

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1007 be amended to read as follows:

- 1 Page 3, between lines 40 and 41, begin a new paragraph and insert:
- 2 "SECTION 2. IC 6-1.1-1-6.5 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2008]: **Sec. 6.5. "Fair market value" means the price**
- 5 **at which a willing buyer and a willing seller would arrive, after**
- 6 **negotiation for a sale, where neither is acting under compulsion**
- 7 **and both have a reasonable knowledge of all the facts affecting**
- 8 **value.**
- 9 SECTION 3. IC 6-1.1-2-2 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. All tangible
- 11 property ~~which that~~ is subject to assessment shall be assessed on a just
- 12 valuation basis and in a uniform and equal manner. Personal property
- 13 ~~which is~~ **and real property that are** subject to assessment ~~and~~
- 14 ~~taxation~~ shall be assessed annually in the manner prescribed in this
- 15 article. ~~Real property which is subject to assessment and taxation shall~~
- 16 ~~be assessed in the manner and at the times prescribed in this article.~~
- 17 SECTION 4. IC 6-1.1-4-3.1 IS ADDED TO THE INDIANA CODE
- 18 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 19 JANUARY 1, 2008]: **Sec. 3.1. (a) A taxpayer shall, on or before the**
- 20 **filing date of each year (except as provided in IC 6-1.1-8-24.5), file**
- 21 **a real property return with the county assessor of each county in**
- 22 **which the taxpayer's real property is subject to assessment.**
- 23 **(b) The county assessor may grant a taxpayer an extension of**
- 24 **not more than thirty (30) days to file the taxpayer's return if:**

(1) the taxpayer submits a written application for an extension before the filing date; and

(2) the taxpayer is prevented from filing a timely return because of sickness, absence from the county, or any other good and sufficient reason.

SECTION 5. IC 6-1.1-4-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 3.2. (a) In completing a real property return for a year, a taxpayer shall make a complete disclosure of all information required by the department of local government finance that is related to the value, nature, or location of the real property reported on the return.**

(b) The taxpayer shall certify to the truth of:

(1) all information appearing in a real property return; and

(2) all data accompanying the return.

SECTION 6. IC 6-1.1-4-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 3.3. The county assessor may:**

(1) examine and verify; or

(2) allow a contractor under IC 6-1.1-36-12 to examine and verify;

the accuracy of each real property return filed with the county assessor by a taxpayer. If appropriate, the county assessor or contractor under IC 6-1.1-36-12 shall compare a return with the books of the taxpayer and with real property owned, held, possessed, controlled, or occupied by the taxpayer.

SECTION 7. IC 6-1.1-4-3.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 3.4. (a) On or before July 1 of each year, each county assessor shall certify to the county auditor the assessed value of the real property in every taxing district in the county.**

(b) The department of local government finance shall prescribe the forms required for the certification under this section.

SECTION 8. IC 6-1.1-4-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 3.5. (a) While a county property tax assessment board of appeals is in session, each county assessor shall make the following information available to the board:**

(1) Real property returns.

(2) Documents related to the returns.

(3) Any information in the possession of the county assessor that is related to the identity of the owners or possessors of the real property or the values of the real property.

(b) Upon written request of the county property tax assessment board of appeals, the county assessor shall furnish the information referred to in subsection (a) to any member of the board either

1 **directly or through employees of the board.**

2 SECTION 9. IC 6-1.1-4-3.6 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2008]: **Sec. 3.6. If a:**

5 **(1) county property tax assessment board of appeals; or**

6 **(2) member of a county property tax assessment board of**
7 **appeals;**

8 **changes a valuation made by a person on the person's real**
9 **property return or adds real property and its value to a return, the**
10 **board or member shall, by mail, immediately give the person**
11 **notice of the action taken.**

12 SECTION 10. IC 6-1.1-4-3.7 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JANUARY 1, 2008]: **Sec. 3.7. Subject to IC 6-1.1-35-9,**
15 **the county assessor shall preserve and make available for public**
16 **inspection:**

17 **(1) all real property returns and lists; and**

18 **(2) any other documents and information related to the**
19 **determination of real property assessments.**

20 SECTION 11. IC 6-1.1-4-12.4 IS AMENDED TO READ AS
21 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 12.4. (a)** For
22 purposes of this section, the term "oil or gas interest" includes, but is
23 not limited to:

24 **(1) royalties;**

25 **(2) overriding royalties;**

26 **(3) mineral rights; or**

27 **(4) working interest; in any oil or gas located on or beneath the**
28 **surface of land which lies within this state.**

29 **(b)** Oil or gas interest is subject to assessment and taxation as real
30 property. ~~Notwithstanding the provisions of IC 1971, 6-1.1-4-4, The~~
31 **true tax value of each oil or gas interest shall be assessed reported**
32 **annually under section 3.1 of this chapter by the assessor of the**
33 **township in which the oil or gas is located. The township assessor shall**
34 **assess the oil or gas interest to the person who owns or operates the**
35 **interest.**

36 **(c)** A piece of equipment is an appurtenance to land if it is incident
37 to and necessary for the production of oil and gas from the land
38 covered by the oil or gas interest. This equipment includes, but is not
39 limited to, wells, pumping units, lines, treaters, separators, tanks, and
40 secondary recovery facilities. These appurtenances are subject to
41 ~~assessment~~ **assessment** as real property. ~~Notwithstanding the provisions~~
42 ~~of IC 1971, 6-1.1-4-4, each of these appurtenances shall be assessed~~
43 **annually by the assessor of the township in which the appurtenance is**
44 **located. The township assessor shall assess the appurtenance to the**
45 **person who owns or operates the working interest in the oil or gas**
46 **interest shall report the appurtenances with the person's return**

filed under section 3.1 of this chapter.

SECTION 12. IC 6-1.1-4-12.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12.6. (a) For purposes of this section, the term "secondary recovery method" includes but is not limited to the stimulation of oil production by means of the injection of water, steam, hydrocarbons, or chemicals, or by means of in situ combustion.

(b) The total assessed value of all interests in the oil located on or beneath the surface of a particular tract of land equals the product of:

- (1) the average daily production of the oil; multiplied by
- (2) three hundred sixty-five (365); and multiplied by
- (3) the posted price of oil on the assessment date.

However, if the oil is being extracted by use of a secondary recovery method, the total assessed value of all interests in the oil equals one-half (1/2) the assessed value computed under the formula prescribed in this subsection. The appropriate ~~township~~ **county** assessor shall, in the manner prescribed by the department of local government finance, apportion the total assessed value of all interests in the oil among the owners of those interests.

(c) The appropriate ~~township~~ **county** assessor shall, in the manner prescribed by the department of local government finance, determine and apportion the total assessed value of all interests in the gas located beneath the surface of a particular tract of land.

(d) The department of local government finance shall prescribe a ~~schedule for township assessors to use in assessing rule for determining the true tax value of~~ the appurtenances described in section 12.4 (c) of this chapter.

SECTION 13. IC 6-1.1-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13. (a) In assessing or reassessing land, the land shall be assessed as agricultural land only when it is devoted to agricultural use.

~~(b) The department of local government finance shall give written notice to each county assessor of:~~

- ~~(1) the availability of the United States Department of Agriculture's soil survey data; and~~
- ~~(2) the appropriate soil productivity factor for each type or classification of soil shown on the United States Department of Agriculture's soil survey map.~~

~~All assessing officials and the property tax assessment board of appeals shall use the data in determining the true tax value of agricultural land.~~

~~(c)~~ **(b)** The department of local government finance shall by rule provide for the method for determining the true tax value of each parcel of agricultural land.

~~(d) This section does not apply to land purchased for industrial, commercial, or residential uses.~~

SECTION 14. IC 6-1.1-4-14 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14. (a) Except as
2 provided in subsection (b) of this section, land may not be assessed to
3 an adjacent property holder if it:

4 (1) is occupied by and is within the right-of-way of a railroad,
5 interurban, or street railway;

6 (2) is within the line of a levee constructed and maintained either
7 by a levee association or under any law of this state;

8 (3) is used and occupied as part of a public drainage ditch,
9 including land that:

10 (A) is adjacent to the ditch; and

11 (B) cannot be used for farmland or any other purpose because
12 of a need for access to the ditch; or

13 (4) is within a right-of-way that is used and occupied as a public
14 highway.

15 (b) Where land described in subsection (a)(1), (a)(2), or (a)(3) has
16 not been transferred by deed to a person who holds the land for
17 railroad, interurban, street railway, levee, drainage, or public highway
18 purposes, the land shall be assessed to the adjacent property owner.
19 However, the assessed value of the land so assessed shall be deducted
20 from the assessed value of the land assessed to the adjacent property
21 owner.

22 (c) If an assessor and a landowner fail to agree on the amount of
23 land described in subsection (a)(1), (a)(2), (a)(3), or (a)(4), the **county**
24 assessor shall have the county surveyor make a survey to determine the
25 amount of land so described."

26 Page 4, line 12, strike "The county assessor".

27 Page 4, line 14, strike "may".

28 Page 4, line 15, strike "employ a professional appraiser to act as a
29 technical advisor".

30 Page 4, strike line 16.

31 Page 4, line 24, delete "or any".

32 Page 4, line 25, delete "other period."

33 Page 4, line 25, strike "Subject to the limitations in section 18.5 of
34 this chapter,".

35 Page 4, line 26, strike "the".

36 Page 4, line 26, delete "county".

37 Page 4, line 26 strike "assessor".

38 Page 4, strike line 27.

39 Page 4, line 28, strike "supply technical advice".

40 Page 4, line 28, strike "for".

41 Page 4, line 29, delete "one (1) or more".

42 Page 4, line 29, strike "townships in the county. A proportionate part
43 of the".

44 Page 4, line 30, strike "appropriation to".

45 Page 4, line 30, delete "each township served under the".

46 Page 4, line 31, delete "contract".

Page 4, line 31, strike "for assessing purposes shall be used to pay for the technical".

Page 4, strike line 32.

Page 4, line 33, strike "(c)" and insert "**(b)**".

Page 4, line 42, strike "which" and insert "**that**".

Page 5, line 37, strike "to:" and insert "**to the county assessor.**".

Page 5, line 38, delete "(A)".

Page 5, line 38, strike "the".

Page 5, line 38, delete "county assessor; and".

Page 5, line 39, delete "(B) the".

Page 5, line 39, strike "township".

Page 5, line 39, delete "assessor of each".

Page 5, delete line 40.

Page 6, delete lines 24 through 42.

Page 7, delete lines 1 through 35, begin a new paragraph and insert:

"SECTION 18. IC 6-1.1-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 22. ~~(a)~~ If any ~~assessing official~~ **county assessor** or any county property tax assessment board of appeals assesses ~~or reassesses~~ any real property under ~~the provisions of~~ this article, the **official county assessor** or county property tax assessment board of appeals shall give notice to the taxpayer, ~~and the county assessor,~~ by mail, of the amount of the assessment. ~~or reassessment.~~

~~(b) During a period of general reassessment, each township assessor shall mail the notice required by this section within ninety (90) days after he:~~

~~(1) completes his appraisal of a parcel; or~~

~~(2) receives a report for a parcel from a professional appraiser or professional appraisal firm.~~

SECTION 19. IC 6-1.1-4-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 24. Immediately following an assessment ~~or reassessment~~ of real property, the county property tax assessment board of appeals shall notify the county auditor of the assessed value of the land and improvements so assessed. The county property tax assessment board of appeals shall give the notice on the form and in the manner prescribed by the department of local government finance.

SECTION 20. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 25. (a) Each ~~township~~ **county** assessor shall keep the assessor's ~~reassessment~~ **real property assessment** data and records current by: ~~securing the necessary field data~~

(1) reviewing returns filed under section 3.1 of this chapter;

(2) assessing real property for which no return is filed under section 3.1 of this chapter; and by

(3) making changes in the assessed value of real property as

changes occur in the use of the real property: **if the assessor determines that the assessed value reported on a return filed under section 3.1 of this chapter is incorrect.**

The ~~township~~ **county** assessor's records shall at all times show the assessed value of real property in accordance with ~~the provisions of this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.~~

(b) The ~~township~~ assessor in a county having a consolidated city, or the county assessor ~~in every other county~~, shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels **by return**; and

(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 21. IC 6-1.1-4-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 26. The department of local government finance may adopt or promulgate regulations, appraisal manuals, rules, bulletins, directives, and forms for the assessment ~~and reassessment~~ of real property.

SECTION 22. IC 6-1.1-4-31, AS AMENDED BY P.L.228-2005,
SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2008]: Sec. 31. (a) The department of local government
finance shall periodically check the conduct of

- (1) ~~a general reassessment of property;~~
- (2) ~~work required to be performed by local officials under 50~~
~~IAC 21; and~~
- (3) ~~other real~~ property assessment activities in the county as
determined by the department:

**to determine whether the county assessor is performing the duties
prescribed in section 25 of this chapter.** The department of local
government finance may inform ~~township assessors;~~ county assessors
and the presidents of county ~~councils~~ **fiscal bodies** in writing if its
check reveals that ~~the general reassessment or other real~~ property
assessment activities are not being properly conducted. ~~work required~~
~~to be performed by local officials under 50 IAC 21 is not being~~
~~properly conducted; or property assessments are not being properly~~
~~made.~~

(b) The failure of the department of local government finance to
inform local officials under subsection (a) shall not be construed as an
indication by the department that

- (1) ~~the general reassessment or other real~~ property assessment
activities are being properly conducted.
- (2) ~~work required to be performed by local officials under 50~~
~~IAC 21 is being properly conducted; or~~
- (3) ~~property assessments are being properly made.~~

(c) If the department of local government finance:

- (1) determines under subsection (a) that ~~a general reassessment~~
~~or other real property~~ assessment activities for ~~a general~~
~~reassessment year or any other year~~ are not being properly
conducted; and

(2) informs:

- (A) ~~the township assessor of each affected township;~~
- (B) (A) the county assessor; and
- (C) (B) the president of the county ~~council;~~ **fiscal body;**
in writing under subsection (a);

the department may order a state conducted ~~assessment or reassessment~~
review of real property assessments under section 31.5 of this
chapter to begin not less than sixty (60) days after the date of the notice
under subdivision (2). If the department determines during the period
between the date of the notice under subdivision (2) and the proposed
date for beginning the state conducted assessment ~~or reassessment~~ that
the ~~general reassessment or other real property~~ assessment activities
for the ~~general reassessment~~ are being properly conducted, the
department may rescind the order.

(d) ~~If the department of local government finance:~~

(1) determines under subsection (a) that work required to be performed by local officials under 50 IAC 21 is not being properly conducted; and

(2) informs:

(A) the township assessor of each affected township;

(B) the county assessor; and

(C) the president of the county council;

in writing under subsection (a);

the department may conduct the work or contract to have the work conducted to begin not less than sixty (60) days after the date of the notice under subdivision (2). If the department determines during the period between the date of the notice under subdivision (2) and the proposed date for beginning the work or having the work conducted that work required to be performed by local officials under 50 IAC 21 is being properly conducted, the department may rescind the order.

(e) If the department of local government finance contracts to have work conducted under subsection (d), the department shall forward the bill for the services to the county and the county shall pay the bill under the same procedures that apply to county payments of bills for assessment or reassessment services under section 31.5 of this chapter."

Page 7, line 38, strike "(a) As used in this section, "assessment".

Page 7, strike lines 39 through 42.

Page 8, line 1, strike "(b)" and insert "(a)".

Page 8, line 3, strike "(c)" and insert "(b)".

Page 8, line 3, strike "local" and insert "**the county assessor**".

Page 8, line 4, strike "officials".

Page 8, line 5, after "conducted" insert "**review of**".

Page 8, line 5, strike "assessment or reassessment" and insert "**real property assessments**".

Page 8, line 7, strike "(d)" and insert "(c)".

Page 8, line 7, after "conducted" insert "**review of**".

Page 8, line 7, strike "assessment or".

Page 8, line 8, strike "reassessment" and insert "**real property assessments**".

Page 8, strike line 9.

Page 8, line 10, strike "this chapter, an assessment official" and insert "**county assessor under section 25 of this chapter. A county assessor**".

Page 8, line 11, after "not" insert "**review the assessments of real property or**".

Page 8, line 11, after "assess" insert "**real**".

Page 8, line 11, strike "or have property".

Page 8, line 12, strike "assessed for the assessment or general reassessment."

Page 8, line 13, strike "assessment or reassessment" and insert

- 1 **"review".**
- 2 Page 8, line 14, strike "or reassessment".
- 3 Page 8, line 14, strike "an assessment official in".
- 4 Page 8, line 15, after "county" insert **"assessor"**.
- 5 Page 8, line 18, strike "(e)" and insert **"(d)"**
- 6 Page 8, line 18, strike "a county's assessment officials," and insert
- 7 **"the county assessor,"**.
- 8 Page 8, line 20, strike "assessment or reassessment" and insert
- 9 **"review of real property assessments"**.
- 10 Page 8, line 20, strike "the county's assessment".
- 11 Page 8, line 21, strike "officials,".
- 12 Page 8, line 21, after "body," insert **"the county assessor,"**.
- 13 Page 8, line 26, strike "(f) Township and county officials" and insert
- 14 **"(e) The county assessor"**.
- 15 Page 8, line 37, strike "or reassessment".
- 16 Page 8, line 41, strike "or a general".
- 17 Page 8, line 42, strike "reassessment".
- 18 Page 9, line 1, strike "(g)" and insert **"(f)"**.
- 19 Page 9, line 2, strike "an assessment or reassessment" and insert **"a**
- 20 **review of real property assessments"**.
- 21 Page 9, line 4, strike "conduct" and insert **"review"**.
- 22 Page 9, line 5, strike "assessment or reassessment" and insert **"real**
- 23 **property assessments"**.
- 24 Page 9, line 6, strike "assessment or reassessment" and insert
- 25 **"review"**.
- 26 Page 9, line 10, strike "(h)" and insert **"(g)"**.
- 27 Page 9, line 11, strike "(g)," and insert **"(f),"**.
- 28 Page 9, line 11, after "department" insert **"may revise any real**
- 29 **property assessment in the county and"**.
- 30 Page 9, line 13, strike "assessment or reassessment.".
- 31 Page 9, line 13, delete "of assessment or" and insert "of assessment:
- 32 **of"**.
- 33 Page 9, strike line 14.
- 34 Page 9, line 19, strike "(i)" and insert **"(h)"**.
- 35 Page 9, line 20, strike "(g)" and insert **"(f)"**.
- 36 Page 9, line 21, strike "reassessment" and insert **"review of real**
- 37 **property assessments"**.
- 38 Page 9, line 22, strike "(j)." and insert **"(i)."**
- 39 Page 9, line 23, strike "(j)" and insert **"(i)."**
- 40 Page 9, line 24, strike "(g)," and insert **"(f),"**
- 41 Page 9, line 25, strike "property reassessment" and insert **"general"**.
- 42 Page 10, line 20, strike "(k)" and insert **"(j)"**.
- 43 Page 10, strike lines 27 through 42.
- 44 Page 11, strike lines 1 through 4.
- 45 Page 11, line 5, strike "(n)" and insert **"(k)"**.
- 46 Page 11, line 12, strike "(j)" and insert **"(i)"**.

- 1 Page 11, line 15, strike "(j)" and insert "**(i)**".
- 2 Page 11, line 21, strike "(o)" and insert "**(l)**".
- 3 Page 11, line 21, strike "(n)" and insert "**(k)**".
- 4 Page 11, line 25, strike "(n)(1)" and insert "**(k)(1)**".
- 5 Page 11, line 26, strike "(n)(2);" and insert "**(k)(2);**".
- 6 Page 11, line 28, strike "(n)(3);" and insert "**(k)(3);**".
- 7 Page 11, line 30 strike "(j)(2)(A)" and insert "**(i)(2)(A)**".
- 8 Page 11, line 31, strike "(n)." and insert "**(k).**".
- 9 Page 11, line 32, strike "(p)" and insert "**(m)**".
- 10 Page 11, line 33, strike "(o)," and insert "**(l),**".
- 11 Page 11, line 38, strike "(q)" and insert "**(n)**".
- 12 Page 11, line 41, strike "(n)" and insert "**(k)**".
- 13 Page 11, line 42, strike "(p)." and insert "**(m).**".
- 14 Page 12, line 3, strike "(r)" and insert "**(o)**".
- 15 Page 12, line 3, strike "(n) through (q)" and insert "**(k) through (n)**".
- 16 Page 12, line 5, strike "(s)" and insert "**(p)**".
- 17 Page 12, line 6, strike "(n) through (q)." and insert "**(k) through**
- 18 **(n).**".
- 19 Page 12, line 7, strike "(n) through (q)" and insert "**(k) through (n)**".
- 20 Page 12, line 11, strike "(t)" and insert "**(q)**".
- 21 Page 12, between lines 12 and 13, begin a new paragraph and insert:
- 22 "SECTION 24. IC 6-1.1-4-31.6, AS ADDED BY P.L.228-2005,
- 23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JANUARY 1, 2008]: Sec. 31.6. (a) Subject to the other requirements
- 25 of this section, the department of local government finance may:
- 26 (1) negotiate an addendum to a contract referred to in ~~section~~
- 27 ~~31.5(g)~~ **section 31.5(f)** of this chapter that is treated as a contract
- 28 of the department; or
- 29 (2) include provisions in a contract entered into by the department
- 30 under ~~section 31.5(g)~~ **section 31.5(f)** of this chapter;
- 31 to require the contractor of the department to represent the department
- 32 in appeals initiated under section 31.7 of this chapter and to afford to
- 33 taxpayers an opportunity to attend an informal hearing.
- 34 (b) The purpose of the informal hearing referred to in subsection (a)
- 35 is to:
- 36 (1) discuss the specifics of the taxpayer's assessment; ~~or~~
- 37 ~~reassessment;~~
- 38 (2) ~~review the taxpayer's property record card;~~
- 39 (3) (2) explain to the taxpayer how the assessment ~~or~~
- 40 ~~reassessment~~ was determined;
- 41 (4) (3) provide to the taxpayer information about the statutes,
- 42 rules, and guidelines that govern the determination of the
- 43 assessment; ~~or reassessment;~~
- 44 (5) (4) note and consider objections of the taxpayer;
- 45 (6) (5) consider all errors alleged by the taxpayer; and
- 46 (7) (6) otherwise educate the taxpayer about:

- 1 (A) the taxpayer's assessment; ~~or reassessment~~;
- 2 (B) the assessment ~~or reassessment~~ process; and
- 3 (C) the assessment ~~or reassessment~~ appeal process under
- 4 section 31.7 of this chapter.
- 5 (c) Following an informal hearing referred to in subsection (b), the
- 6 contractor shall:
- 7 (1) make a recommendation to the department of local
- 8 government finance as to whether a change in the ~~reassessment~~
- 9 **assessment** is warranted; and
- 10 (2) if recommending a change under subdivision (1), provide to
- 11 the department a statement of:
- 12 (A) how the changed assessment ~~or reassessment~~ was
- 13 determined; and
- 14 (B) the amount of the changed assessment. ~~or reassessment~~.
- 15 (d) To preserve the right to appeal under section 31.7 of this
- 16 chapter, a taxpayer must initiate the informal hearing process by
- 17 notifying the department of local government finance or its designee of
- 18 the taxpayer's intent to participate in an informal hearing referred to in
- 19 subsection (b) not later than forty-five (45) days after the department
- 20 of local government finance gives notice under ~~section 31.5(h)~~ **section**
- 21 **31.5(g)** of this chapter to taxpayers of the amount of the ~~reassessment~~.
- 22 **assessment**.
- 23 (e) The informal hearings referred to in subsection (b) must be
- 24 conducted:
- 25 (1) in the county where the property is located; and
- 26 (2) in a manner determined by the department of local
- 27 government finance.
- 28 (f) The department of local government finance shall:
- 29 (1) consider the recommendation of the contractor under
- 30 subsection (c); and
- 31 (2) if the department accepts a recommendation that a change in
- 32 the assessment ~~or reassessment~~ is warranted, accept or modify the
- 33 recommended amount of the changed assessment. ~~or~~
- 34 ~~reassessment~~.
- 35 (g) The department of local government finance shall send a notice
- 36 of the result of each informal hearing to:
- 37 (1) the taxpayer;
- 38 (2) the county auditor; **and**
- 39 (3) the county assessor. **and**
- 40 ~~(4) the township assessor of the township in which the property~~
- 41 ~~is located~~.
- 42 (h) A notice under subsection (g) must:
- 43 (1) state whether the assessment ~~or reassessment~~ was changed as
- 44 a result of the informal hearing; and
- 45 (2) if the assessment ~~or reassessment~~ was changed as a result of
- 46 the informal hearing;

1 (A) indicate the amount of the changed assessment; ~~or~~
2 ~~reassessment~~; and

3 (B) provide information on the taxpayer's right to appeal under
4 section 31.7 of this chapter.

5 (i) If the department of local government finance does not send a
6 notice under subsection (g) not later than two hundred seventy (270)
7 days after the date the department gives notice of the amount of the
8 assessment ~~or reassessment~~ under ~~section 31.5(h)~~ **section 31.5(g)** of
9 this chapter:

10 (1) the department may not change the amount of the assessment
11 ~~or reassessment~~ under the informal hearing process described in
12 this section; and

13 (2) the taxpayer may appeal the assessment ~~or reassessment~~ under
14 section 31.7 of this chapter.

15 (j) The department of local government finance may adopt rules to
16 establish procedures for informal hearings under this section.

17 (k) Payment for an addendum to a contract under subsection (a)(1)
18 is made in the same manner as payment for the contract under ~~section~~
19 ~~31.5(i)~~ **section 31.5(h)** of this chapter.

20 SECTION 25. IC 6-1.1-4-31.7, AS ADDED BY P.L.228-2005,
21 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JANUARY 1, 2008]: Sec. 31.7. (a) As used in this section, "special
23 master" refers to a person designated by the Indiana board under
24 subsection (e).

25 (b) The notice of assessment ~~or reassessment~~ under ~~section 31.5(h)~~
26 **section 31.5(g)** of this chapter is subject to appeal by the taxpayer to
27 the Indiana board. The procedures and time limitations that apply to an
28 appeal to the Indiana board of a determination of the department of
29 local government finance do not apply to an appeal under this
30 subsection. The Indiana board may establish applicable procedures and
31 time limitations under subsection (l).

32 (c) In order to appeal under subsection (b), the taxpayer must:

33 (1) participate in the informal hearing process under section 31.6
34 of this chapter;

35 (2) except as provided in section 31.6(i) of this chapter, receive
36 a notice under section 31.6(g) of this chapter; and

37 (3) file a petition for review with the appropriate county assessor
38 not later than thirty (30) days after:

39 (A) the date of the notice to the taxpayer under section 31.6(g)
40 of this chapter; or

41 (B) the date after which the department may not change the
42 amount of the assessment or reassessment under the informal
43 hearing process described in section 31.6 of this chapter.

44 (d) The Indiana board may develop a form for petitions under
45 subsection (c) that outlines:

46 (1) the appeal process;

(2) the burden of proof; and

(3) evidence necessary to warrant a change to an assessment. ~~or reassessment.~~

(e) The Indiana board may contract with, appoint, or otherwise designate the following to serve as special masters to conduct evidentiary hearings and prepare reports required under subsection (g):

(1) Independent, licensed appraisers.

(2) Attorneys.

(3) Certified level two Indiana assessor-appraisers (including administrative law judges employed by the Indiana board).

(4) Other qualified individuals.

(f) Each contract entered into under subsection (e) must specify the appointee's compensation and entitlement to reimbursement for expenses. The compensation and reimbursement for expenses are paid from the county ~~property reassessment~~ **general** fund.

(g) With respect to each petition for review filed under subsection (c), the special masters shall:

(1) set a hearing date;

(2) give notice of the hearing at least thirty (30) days before the hearing date, by mail, to:

(A) the taxpayer;

(B) the department of local government finance;

~~(C) the township assessor;~~ and

~~(D)~~ (C) the county assessor;

(3) conduct a hearing and hear all evidence submitted under this section; and

(4) make evidentiary findings and file a report with the Indiana board.

(h) At the hearing under subsection (g):

(1) the taxpayer shall present:

(A) the taxpayer's evidence that the assessment ~~or reassessment~~ is incorrect;

(B) the method by which the taxpayer contends the assessment ~~or reassessment~~ should be correctly determined; and

(C) comparable sales, appraisals, or other pertinent information concerning valuation as required by the Indiana board; and

(2) the department of local government finance shall present its evidence that the assessment ~~or reassessment~~ is correct.

(i) The Indiana board may dismiss a petition for review filed under subsection (c) if the evidence and other information required under subsection (h)(1) is not provided at the hearing under subsection (g).

(j) The ~~township assessor and the~~ county assessor may attend and participate in the hearing under subsection (g).

(k) The Indiana board may:

(1) consider the report of the special masters under subsection

- (g)(4);
- (2) make a final determination based on the findings of the special masters without:
 - (A) conducting a hearing; or
 - (B) any further proceedings; and
- (3) incorporate the findings of the special masters into the board's findings in resolution of the appeal.
- (l) The Indiana board may adopt rules under IC 4-22-2-37.1 to:
 - (1) establish procedures to expedite:
 - (A) the conduct of hearings under subsection (g); and
 - (B) the issuance of determinations of appeals under subsection (k); and
 - (2) establish deadlines:
 - (A) for conducting hearings under subsection (g); and
 - (B) for issuing determinations of appeals under subsection (k).

(m) A determination by the Indiana board of an appeal under subsection (k) is subject to appeal to the tax court under IC 6-1.1-15."

Page 14, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 28. IC 6-1.1-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. Except as provided in section 9 of this chapter, the county auditor of each county shall annually prepare and deliver to the **township county** assessor a list of all real property entered in the **township county** as of the assessment date. The county auditor shall deliver the list within thirty (30) days after the assessment date. The county auditor shall prepare the list in the form prescribed or approved by the department of local government finance.

SECTION 29. IC 6-1.1-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. Except as provided in section 4(b) of this chapter, for all civil townships in which a consolidated city is situated, the **township county** assessor has the duties and authority described in sections 1 through 8 of this chapter. These duties and authority include effecting the transfer of title to real property and preparing, maintaining, approving, correcting, indexing, and publishing the list or record of, or description of title to, real property. If a court renders a judgment for the partition or transfer of real property located in one (1) of these townships, the clerk of the court shall deliver the transcript to the **township county** assessor.

SECTION 30. IC 6-1.1-5-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9.1. ~~(a) Except:~~

~~(1) as provided in subsection (b); and~~

~~(2) for civil townships described in section 9 of this chapter;~~

~~and notwithstanding the provisions of sections 1 through 8 of this chapter, for all other civil townships having a population of thirty-five thousand (35,000) or more; for a civil township that falls below a population of thirty-five thousand (35,000) at a federal decennial~~

census that takes effect after December 31, 2001, and for all other civil townships in which a city of the second class is located; the township assessor shall make the real property lists and the plats described in sections 1 through 8 of this chapter.

(b) In a civil township that attains a population of thirty-five thousand (35,000) or more at a federal decennial census that takes effect after December 31, 2001, the county auditor shall make the real property lists and the plats described in sections 1 through 8 of this chapter unless the township assessor determines to assume the duty from the county auditor.

(c) With respect to townships in which the township county assessor makes the real property lists and the plats described in sections 1 through 8 of this chapter, the county auditor shall, upon completing the tax duplicate, return the real property lists to the township county assessor for the continuation of the lists by the assessor. If land located in one (1) of these townships is platted, the plat shall be presented to the township county assessor instead of the county auditor, before it is recorded. The township county assessor shall then enter the lots or parcels described in the plat on the tax lists in lieu of the land included in the plat.

SECTION 31. IC 6-1.1-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. If a township county assessor believes that it is necessary to obtain an accurate description of a specific lot or tract which is situated in the township he serves, county, the assessor may demand in writing that the owner or occupant of the lot or tract deliver all the title papers in his the possession of the owner or occupant to the assessor for his examination. If the person fails to deliver the title papers to the county assessor at his the assessor's office within five (5) days after the demand is mailed, the assessor shall prepare the real property list according to the best information he can obtain available. For that purpose, the county assessor may examine, under oath, any person whom he the assessor believes has any knowledge relevant to the issue.

SECTION 32. IC 6-1.1-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) In order to determine the quantity of land contained within a tract, an a county assessor shall follow the rules contained in this section.

(b) Except as provided in subsection (c) of this section, the county assessor shall recognize the quantity of land stated in a deed or patent if the owner or person in whose name the property is listed holds the land by virtue of:

- (1) a deed from another party or from this state; or
- (2) a patent from the United States.

(c) If land described in subsection (b) of this section has been surveyed subsequent to the survey made by the United States and if the

1 ~~township~~ **county** assessor is satisfied that the tract contains a different
 2 quantity of land than is stated in the patent or deed, the assessor shall
 3 recognize the quantity of land stated in the subsequent survey.

4 (d) Except as provided in subsection (e) of this section, a ~~township~~
 5 **county** assessor shall demand in writing that the owner of a tract, or
 6 person in whose name the land is listed, have the tract surveyed and
 7 that ~~he~~ **the person** return a sworn certificate from the surveyor stating
 8 the quantity of land contained in the tract if:

9 (1) the land was within the French or Clark's grant; and

10 (2) the party holds the land under original entry or survey.

11 If the party fails to return the certificate within thirty (30) days after
 12 the demand is mailed, the **county** assessor shall have a surveyor survey
 13 the land. The expenses of a survey made under this subsection shall be
 14 paid for from the county treasury. However, the county auditor shall
 15 charge the survey expenses against the land, and the expenses shall be
 16 collected with the taxes payable in the succeeding year.

17 (e) A ~~township~~ **county** assessor shall not demand a survey of land
 18 described in subsection (d) of this section if:

19 (1) the owner or holder of the land has previously had it surveyed
 20 and presents to the assessor a survey certificate which states the
 21 quantity of land; or

22 (2) the assessor is satisfied from other competent evidence, given
 23 under oath or affirmation, that the quantity of land stated in the
 24 original survey is correct.

25 SECTION 33. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005,
 26 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JANUARY 1, 2008]: Sec. 14. ~~Not later than May 15, each assessing~~
 28 ~~official shall prepare and deliver to the county assessor a detailed list~~
 29 ~~of the real property listed for taxation in the township:~~ On or before
 30 July 1 of each year, each county assessor shall, under oath, prepare and
 31 deliver to the county auditor a detailed list of the real property listed for
 32 taxation in the county. ~~In a county with an elected township assessor in~~
 33 ~~every township the township assessor shall prepare the real property~~
 34 ~~list.~~ The assessing officials and the county assessor shall prepare the
 35 list in the form prescribed by the department of local government
 36 finance. ~~The township assessor shall ensure that the county assessor~~
 37 ~~has full access to the assessment records maintained by the township~~
 38 ~~assessor.~~

39 SECTION 34. IC 6-1.1-5-15, AS AMENDED BY P.L.228-2005,
 40 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JANUARY 1, 2008]: Sec. 15. (a) Except as provided in subsection (b),
 42 before an owner of real property demolishes, structurally modifies, or
 43 improves it at a cost of more than five hundred dollars (\$500) for
 44 materials or labor, or both, the owner or the owner's agent shall file
 45 with the area plan commission or the county assessor in the county
 46 where the property is located an assessment registration notice on a

form prescribed by the department of local government finance.

(b) If the owner of the real property or the person performing the work for the owner is required to obtain a permit from an agency or official of the state or a political subdivision for the demolition, structural modification, or improvement, the owner or the person performing the work for the owner is not required to file an assessment registration notice.

(c) Each state or local government official or agency shall, before the tenth day of each month, deliver a copy of each permit described in subsection (b) to the assessor of the county in which the real property to be improved is situated. Each area plan commission shall, before the tenth day of each month, deliver a copy of each assessment registration notice described in subsection (a) to the assessor of the county where the property is located.

~~(d) Before the last day of each month, the county assessor shall distribute a copy of each assessment registration notice filed under subsection (a) or permit received under subsection (b) to the assessor of the township in which the real property to be demolished, modified, or improved is situated.~~

~~(e)~~ (d) A fee of five dollars (\$5) shall be charged by the area plan commission or the county assessor for the filing of the assessment registration notice. All fees collected under this subsection shall be deposited in the county property reassessment general fund.

~~(f)~~ (e) A township or county assessor shall immediately notify the county treasurer if the assessor discovers property that has been improved or structurally modified at a cost of more than five hundred dollars (\$500) and the owner of the property has failed to obtain the required building permit or to file an assessment registration notice.

~~(g)~~ (f) Any person who fails to:

- (1) file the registration notice required by subsection (a); or
- (2) obtain a building permit described in subsection (b);

before demolishing, structurally modifying, or improving real property is subject to a civil penalty of one hundred dollars (\$100). The county treasurer shall include the penalty on the person's property tax statement and collect it in the same manner as delinquent personal property taxes under IC 6-1.1-23. However, if a person files a late registration notice, the person shall pay the fee, if any, and the penalty to the area plan commission or the county assessor at the time the person files the late registration notice.

SECTION 35. IC 6-1.1-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16. If an owner of existing contiguous parcels makes a written request that includes a legal description of the existing contiguous parcels sufficient for the ~~assessing official~~ **county assessor** to identify each parcel and the area of all contiguous parcels, the ~~assessing official~~ **county assessor** shall consolidate more than one (1) existing contiguous parcel into a single

1 parcel to the extent that the existing contiguous parcels are in a single
 2 taxing district and the same section. For existing contiguous parcels in
 3 more than one (1) taxing district or one (1) section, the ~~assessing~~
 4 ~~official~~ **county assessor** shall, upon written request by the owner,
 5 consolidate the existing contiguous parcels in each taxing district and
 6 each section into a single parcel. ~~An assessing official~~ **The county**
 7 **assessor** shall consolidate more than one (1) existing contiguous parcel
 8 into a single parcel if the ~~assessing official~~ **assessor** has knowledge that
 9 an improvement to the real property is located on or otherwise
 10 significantly affects the parcels.

11 SECTION 36. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005,
 12 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JANUARY 1, 2008]: Sec. 3. (a) For purposes of this section, "party"
 14 includes:

- 15 (1) a seller of property that is exempt under the seller's ownership;
- 16 or
- 17 (2) a purchaser of property that is exempt under the purchaser's
- 18 ownership;

19 from property taxes under IC 6-1.1-10.

20 (b) Before filing a conveyance document with the county auditor
 21 under IC 6-1.1-5-4, all the parties to the conveyance must complete and
 22 sign a sales disclosure form as prescribed by the department of local
 23 government finance under section 5 of this chapter. All the parties may
 24 sign one (1) form, or if all the parties do not agree on the information
 25 to be included on the completed form, each party may sign and file a
 26 separate form.

27 (c) ~~Except as provided in subsection (d),~~ The auditor shall forward
 28 each sales disclosure form to the county assessor. The county assessor
 29 shall retain the forms for five (5) years. The county assessor shall
 30 forward the sales disclosure form data to the department of local
 31 government finance and the legislative services agency:

- 32 (1) before January 1, 2005, in an electronic format, if possible;
- 33 and
- 34 (2) after December 31, 2004, in an electronic format specified
- 35 jointly by the department of local government finance and the
- 36 legislative services agency.

37 ~~The county assessor shall forward a copy of the sales disclosure forms~~
 38 ~~to the township assessors in the county.~~ The forms may be used by the
 39 county ~~assessing officials,~~ **assessor**, the department of local
 40 government finance, and the legislative services agency for the
 41 ~~purposes established in IC 6-1.1-4-13.6,~~ sales ratio studies,
 42 equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6,
 43 and any other authorized purpose.

44 (d) ~~In a county containing a consolidated city, the auditor shall~~
 45 ~~forward the sales disclosure form to the appropriate township assessor.~~
 46 ~~The township assessor shall forward the sales disclosure form to the~~

department of local government finance and the legislative services agency:

- (1) before January 1, 2005, in an electronic format, if possible; and
- (2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(c) (d) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

SECTION 37. IC 6-1.1-5.5-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4.5. (a) The fiscal body of each county shall establish a sales disclosure fund. The county auditor shall deposit into the fund the money received under section 4 of this chapter. Money in the sales disclosure fund may be expended only for:

- (1) administration of this chapter;
- (2) verification of the information contained on a sales disclosure form;
- (3) training of assessing officials **and county assessors**; or
- (4) purchasing computer software or hardware for a property record system.

(b) The county fiscal body shall appropriate the money in the sales disclosure fund for the purposes stated in subsection (a) based on requests by assessing officials in the county.

SECTION 38. IC 6-1.1-5.5-4.7, AS AMENDED BY P.L.228-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4.7. (a) The assessment training and administration fund is established for the purpose of receiving fees deposited under section 4 of this chapter. Money in the fund may be used by:

- (1) the department of local government finance to cover expenses incurred in the development and administration of programs for the training of ~~assessment~~ **assessing** officials, **county assessors**, and employees of the department, including the examination and certification program required by IC 6-1.1-35.5; or
- (2) the Indiana board to:
 - (A) conduct appeal activities; or
 - (B) pay for appeal services.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

manner as other public money may be invested.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 39. IC 6-1.1-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) A party to a conveyance who:

(1) is required to file a sales disclosure form under this chapter; and

(2) fails to file a sales disclosure form at the time and in the manner required by this chapter;

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) ~~The township assessor in a county containing a consolidated city, or the county assessor in any other county,~~ shall:

(1) determine the penalty imposed under this section;

(2) assess the penalty to the party to a conveyance; and

(3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

(1) collect the penalty imposed under this section;

(2) deposit penalty collections as required under section 4 of this chapter; and

(3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 40. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 24. (a) Each year a township assessor shall assess the **part of fixed property that consists of personal property**, which as of the assessment date of that year is:

(1) owned or used by a public utility company; and

(2) located in the township the township assessor serves.

(b) The township assessor shall determine the assessed value of **the part of fixed property that consists of personal property**. The township assessor shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. However, in a county with an elected township assessor in every township the township assessor shall certify the list to the department of local government finance. The county assessor shall:

(1) review the assessed values; and ~~shall~~

(2) certify the assessed values to the department of local

1 government finance on or before April 10 of the year of
2 assessment.

3 SECTION 41. IC 6-1.1-8-24.5 IS ADDED TO THE INDIANA
4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JANUARY 1, 2008]: **Sec. 24.5. A public utility**
6 **company shall file a real property return with the county auditor**
7 **as required by IC 6-1.1-4, except that the company shall file the**
8 **return before March 15 of each year. The county assessor shall:**

- 9 (1) **review the real property returns; and**
10 (2) **certify the assessed values to the department of local**
11 **government finance on or before April 10 of the year of**
12 **assessment.**

13 SECTION 42. IC 6-1.1-9-1 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. If:

15 (1) ~~a township assessor~~, county assessor or county property tax
16 assessment board of appeals believes that any taxable tangible
17 property; **or**

18 (2) **a township assessor believes that any personal property;**
19 has been omitted from or undervalued on the assessment rolls or the tax
20 duplicate for any year or years, the official or board shall give written
21 notice under IC 6-1.1-3-20 or IC 6-1.1-4-22 of the assessment or
22 increase in assessment. The notice shall contain a general description
23 of the property and a statement describing the taxpayer's right to a
24 preliminary conference and to a review with the county property tax
25 assessment board of appeals under IC 6-1.1-15-1.

26 SECTION 43. IC 6-1.1-11-3 IS AMENDED TO READ AS
27 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) Subject to
28 subsections (e) and (f), an owner of tangible property who wishes to
29 obtain an exemption from property taxation shall file a certified
30 application in duplicate with the county assessor of the county in which
31 the property that is the subject of the exemption is located. The
32 application must be filed annually on or before May 15 on forms
33 prescribed by the department of local government finance. Except as
34 provided in sections 1, 3.5, and 4 of this chapter, the application
35 applies only for the taxes imposed for the year for which the
36 application is filed.

37 (b) The authority for signing an exemption application may not be
38 delegated by the owner of the property to any other person except by
39 an executed power of attorney.

40 (c) An exemption application which is required under this chapter
41 shall contain the following information:

- 42 (1) A description of the property claimed to be exempt in
43 sufficient detail to afford identification.
44 (2) A statement showing the ownership, possession, and use of
45 the property.
46 (3) The grounds for claiming the exemption.

(4) The full name and address of the applicant.

(5) For the year that ends on the assessment date of the property, identification of:

(A) each part of the property used or occupied; and

(B) each part of the property not used or occupied;

for one (1) or more exempt purposes under IC 6-1.1-10 during the time the property is used or occupied.

(6) Any additional information which the department of local government finance may require.

(d) A person who signs an exemption application shall attest in writing and under penalties of perjury that, to the best of the person's knowledge and belief, a predominant part of the property claimed to be exempt is not being used or occupied in connection with a trade or business that is not substantially related to the exercise or performance of the organization's exempt purpose.

(e) An owner must file with an application for exemption of real property under subsection (a) or section 5 of this chapter a copy of the township county assessor's record kept under IC 6-1.1-4-25(a) that shows the calculation of the assessed value of the real property for the assessment date for which the exemption is claimed. ~~Upon receipt of the exemption application, the county assessor shall examine that record and determine if the real property for which the exemption is claimed is properly assessed. If the county assessor determines that the real property is not properly assessed, the county assessor shall direct the township assessor of the township in which the real property is located to:~~

~~(1) properly assess the real property; and~~

~~(2) notify the county assessor and county auditor of the proper assessment.~~

(f) If the county assessor determines that the applicant has not filed with an application for exemption a copy of the record referred to in subsection (e), the county assessor shall notify the applicant in writing of that requirement. The applicant then has thirty (30) days after the date of the notice to comply with that requirement. The county property tax assessment board of appeals shall deny an application described in this subsection if the applicant does not comply with that requirement within the time permitted under this subsection.

SECTION 44. IC 6-1.1-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 19. The deduction from assessed value provided by section 18 of this chapter is first available in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue for the following four (4) years. In the sixth ~~(6th)~~ year, the county auditor shall add the amount of the deduction to the assessed value of the real property. ~~A general reassessment of real property which occurs within the five (5) year period of the deduction does not affect the amount of the~~

1 ~~deduction.~~

2 SECTION 45. IC 6-1.1-12-21 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 21. When real
4 property is reassessed because it has been rehabilitated, the ~~assessing~~
5 ~~official county assessor~~ who, or the county property tax assessment
6 board of appeals which, makes the reassessment shall give the owner
7 notice of the property tax deductions provided by sections 18 and 22 of
8 this chapter. The ~~official county assessor~~ or county property tax
9 assessment board of appeals shall attach the notice to the reassessment
10 notice required by IC 6-1.1-4-22.

11 SECTION 46. IC 6-1.1-12-23 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 23. The deduction
13 from assessed value provided by section 22 of this chapter is first
14 available after the first assessment date following the rehabilitation and
15 shall continue for the taxes first due and payable in the following five
16 (5) years. In the sixth (~~6th~~) year, the county auditor shall add the
17 amount of the deduction to the assessed value of the property. ~~Any~~
18 ~~general reassessment of real property which occurs within the five (5)~~
19 ~~year period of the deduction does not affect the amount of the~~
20 ~~deduction.~~

21 SECTION 47. IC 6-1.1-12.1-4 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) Except as
23 provided in section 2(i)(4) of this chapter, the amount of the deduction
24 which the property owner is entitled to receive under section 3 of this
25 chapter for a particular year equals the product of:

- 26 (1) the increase in the assessed value resulting from the
- 27 rehabilitation or redevelopment; multiplied by
- 28 (2) the percentage prescribed in the table set forth in subsection
- 29 (d).

30 (b) ~~The amount of the deduction determined under subsection (a)~~
31 ~~shall be adjusted in accordance with this subsection in the following~~
32 ~~circumstances:~~

33 ~~(1) If a general reassessment of real property occurs within the~~
34 ~~particular period of the deduction, the amount determined under~~
35 ~~subsection (a)(1) shall be adjusted to reflect the percentage~~
36 ~~increase or decrease in assessed valuation that resulted from the~~
37 ~~general reassessment.~~

38 ~~(2) If an appeal of an assessment is approved that results in a~~
39 ~~reduction of the assessed value of the redeveloped or rehabilitated~~
40 ~~property, the amount of any deduction **determined under**~~
41 ~~**subsection (a)** shall be adjusted to reflect the percentage decrease~~
42 ~~that resulted from the appeal.~~

43 The department of local government finance shall adopt rules under
44 IC 4-22-2 to implement this subsection.

45 (c) Property owners who had an area designated an urban
46 development area pursuant to an application filed prior to January 1,

1979, are only entitled to the deduction for the first through the fifth years as provided in subsection (d)(10). In addition, property owners who are entitled to a deduction under this chapter pursuant to an application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for the first through the tenth years, as provided in subsection (d)(10).

(d) The percentage to be used in calculating the deduction under subsection (a) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%

1	4th	57%
2	5th	43%
3	6th	29%
4	7th	14%
5	(8) For deductions allowed over an eight (8) year period:	
6	YEAR OF DEDUCTION	PERCENTAGE
7	1st	100%
8	2nd	88%
9	3rd	75%
10	4th	63%
11	5th	50%
12	6th	38%
13	7th	25%
14	8th	13%
15	(9) For deductions allowed over a nine (9) year period:	
16	YEAR OF DEDUCTION	PERCENTAGE
17	1st	100%
18	2nd	88%
19	3rd	77%
20	4th	66%
21	5th	55%
22	6th	44%
23	7th	33%
24	8th	22%
25	9th	11%
26	(10) For deductions allowed over a ten (10) year period:	
27	YEAR OF DEDUCTION	PERCENTAGE
28	1st	100%
29	2nd	95%
30	3rd	80%
31	4th	65%
32	5th	50%
33	6th	40%
34	7th	30%
35	8th	20%
36	9th	10%
37	10th	5%

SECTION 48. IC 6-1.1-12.4-2, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, 2009. Except as provided in subsection ~~(h)~~ (g) and sections

4, 5, and 8 of this chapter, an owner of real property that:

- (1) develops, redevelops, or rehabilitates the real property; and
- (2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. The township assessor shall:

- (1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and
- (2) inform the county auditor of the deduction amount.

(e) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

~~(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in assessed valuation that results from:~~

- ~~(1) a general reassessment of real property under IC 6-1.1-4-4; or~~
- ~~(2) an annual adjustment under IC 6-1.1-4-4.5.~~

~~(g)~~ (f) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

~~(h)~~ (g) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 49. IC 6-1.1-14-2 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. Each county
 2 assessor shall transmit to the department of local government finance
 3 **before the time prescribed by the department:**

4 (1) each business personal property return ~~which~~ **that** the
 5 township assessor is required to deliver to the county assessor
 6 under IC 6-1.1-3-18(b);

7 (2) **each real property return that is filed with the county**
 8 **assessor under IC 6-1.1-4-3.1;** and

9 (3) any supporting data supplied by the taxpayer with ~~the~~ **a** return
 10 ~~The return and supporting data shall be transmitted to the~~
 11 ~~department of local government finance on or before the time~~
 12 ~~prescribed by the department. referred to in subdivision (1) or~~
 13 ~~(2).~~

14 SECTION 50. IC 6-1.1-14-3 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. Each year the
 16 department of local government finance:

17 (1) shall review the business personal property tax returns of
 18 taxpayers who report a total assessed value of fifteen thousand
 19 dollars (\$15,000) or more; **and**

20 (2) **may review any real property return transmitted to the**
 21 **department under section 2 of this chapter.**

22 The department of local government finance shall determine the returns
 23 in which the assessment appears to be improper.

24 SECTION 51. IC 6-1.1-15-1, AS AMENDED BY P.L.199-2005,
 25 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JANUARY 1, 2008]: Sec. 1. (a) A taxpayer may obtain a review by the
 27 county property tax assessment board of appeals of a county or
 28 township official's action with respect to the assessment of the
 29 taxpayer's tangible property if the official's action requires the giving
 30 of notice to the taxpayer. At the time that notice is given to the
 31 taxpayer, the taxpayer shall also be informed in writing of:

32 (1) the opportunity for review under this section, including an
 33 informal preliminary conference with the county or township
 34 official referred to in this subsection; and

35 (2) the procedures the taxpayer must follow in order to obtain
 36 review under this section.

37 (b) In order to appeal a current assessment and have a change in the
 38 assessment effective for the most recent assessment date, the taxpayer
 39 must request in writing a preliminary conference with the county or
 40 township official referred to in subsection (a):

41 (1) not later than forty-five (45) days after notice of a change in
 42 the assessment is given to the taxpayer; or

43 (2) on or before May 10 of that year;

44 whichever is later. The preliminary conference required under this
 45 subsection is a prerequisite to a review by the county property tax
 46 assessment board of appeals under subsection (i).

(c) A change in an assessment made as a result of an appeal filed:

(1) in the same year that notice of a change in the assessment is given to the taxpayer; and

(2) after the time prescribed in subsection (b);

becomes effective for the next assessment date.

(d) A taxpayer may appeal a current real property assessment in a year even if the taxpayer has not received a notice of assessment in the year. If an appeal is filed on or before May 10 of a year in which the taxpayer has not received notice of assessment, a change in the assessment resulting from the appeal is effective for the most recent assessment date. If the appeal is filed after May 10, the change becomes effective for the next assessment date.

(e) The written request for a preliminary conference that is required under subsection (b) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(f) The county or township official referred to in subsection (a) shall, not later than thirty (30) days after the receipt of a written request for a preliminary conference, attempt to hold a preliminary conference with the taxpayer to resolve as many issues as possible by:

(1) discussing the specifics of the taxpayer's ~~reassessment;~~ **assessment;**

~~(2) reviewing the taxpayer's property record card;~~

~~(3) (2) explaining to the taxpayer how the reassessment~~ **assessment** ~~was determined;~~

~~(4) (3) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the reassessment;~~ **assessment;**

~~(5) (4) noting and considering objections of the taxpayer;~~

~~(6) (5) considering all errors alleged by the taxpayer; and~~

~~(7) (6) otherwise educating the taxpayer about:~~

(A) the taxpayer's ~~reassessment;~~ **assessment;**

(B) the ~~reassessment~~ **assessment** process; and

(C) the ~~reassessment~~ **assessment** appeal process.

Not later than ten (10) days after the conference, the county or township official referred to in subsection (a) shall forward to the county auditor and the county property tax assessment board of appeals the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The official and the taxpayer shall each retain a copy of the form for their records.

(g) The form submitted to the county property tax assessment board of appeals under subsection (f) must specify the following:

~~(1) The physical characteristics of the property in issue that bear on the assessment determination.~~

~~(2)~~ (1) All ~~other~~ facts relevant to the assessment determination.

~~(3)~~ (2) A list of the reasons the taxpayer believes that the assessment determination by the county or township official referred to in subsection (a) is incorrect.

~~(4)~~ (3) An indication of the agreement or disagreement by the official with each item listed under subdivision ~~(3)~~: (2).

~~(5)~~ (4) The reasons the official believes that the assessment determination is correct.

(h) If after the conference there are no items listed on the form submitted to the county property tax assessment board of appeals under subsection (f) on which there is disagreement:

(1) the county or township official referred to in subsection (a) shall give notice to the taxpayer, the county property tax assessment board of appeals, and the county assessor of the assessment in the amount agreed to by the taxpayer and the official; and

(2) the county property tax assessment board of appeals may reserve the right to change the assessment under IC 6-1.1-13.

(i) If after the conference there are items listed in the form submitted under subsection (f) on which there is disagreement, the county property tax assessment board of appeals shall hold a hearing. The taxpayer and county or township official whose original determination is under review are parties to the proceeding before the board of appeals. Except as provided in ~~subsections~~ **subsection (k), and** ~~(t)~~, the hearing must be held not later than ninety (90) days after the official's receipt of the taxpayer's written request for a preliminary conference under subsection (b). The taxpayer may present the taxpayer's reasons for disagreement with the assessment. The county or township official referred to in subsection (a) must present the basis for the assessment decision on these items to the board of appeals at the hearing and the reasons the taxpayer's appeal should be denied on those items. The board of appeals shall have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than sixty (60) days after the hearing, except as provided in ~~subsections~~ **subsection (k). and (t)**:

(j) If the township assessor does not attempt to hold a preliminary conference, the taxpayer may file a request in writing with the county assessor for a hearing before the property tax assessment board of appeals. If the board determines that the county or township official referred to in subsection (a) did not attempt to hold a preliminary conference, the board shall hold a hearing. The taxpayer and the county or township official whose original determination is under review are parties to the proceeding before the board of appeals. The hearing must be held not later than ninety (90) days after the receipt by the board of appeals of the taxpayer's hearing request under this subsection. The requirements of subsection (i) with respect to:

(1) participation in the hearing by the taxpayer and the township assessor or county assessor; and

(2) the procedures to be followed by the county board; apply to a hearing held under this subsection.

(k) This subsection applies to a county having a population of more than three hundred thousand (300,000). In the case of a petition filed after December 31, 2000, the county property tax assessment board of appeals shall:

(1) hold its hearing not later than one hundred eighty (180) days instead of ninety (90) days after the filing of the petition; and

(2) have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than one hundred twenty (120) days after the hearing.

~~(l) This subsection applies to a county having a population of three hundred thousand (300,000) or less. With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the county property tax assessment board of appeals shall:~~

~~(1) hold its hearing not later than one hundred eighty (180) days instead of ninety (90) days after the filing of the petition; and~~

~~(2) have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than one hundred twenty (120) days after the hearing.~~

~~(m) (l)~~ The county property tax assessment board of appeals:

(1) may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (i) or (j); and

(2) may amend the form submitted under subsection (f) if the board determines that the amendment is warranted.

~~(n) (m)~~ Upon receiving a request for a preliminary conference under subsection (b), the county or township official referred to in subsection (a) shall notify the county auditor in writing that the assessment is under appeal. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the appellant's name and address, the assessed value of the appealed items for the assessment date immediately preceding the assessment date for which the appeal was filed, and the assessed value of the appealed items on the most recent assessment date. If the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(n) The county assessor is recused from any action the county property tax assessment board of appeals takes with respect to an appeal under this section of a determination by the county assessor.

(o) A member of a county property tax assessment board of appeals is recused from any action the board takes with respect to an appeal under this section of a determination by the member.

SECTION 52. IC 6-1.1-15-4, AS AMENDED BY P.L.199-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may:

(1) assign:

(A) full;

(B) limited; or

(C) no;

evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and

(2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the appropriate township assessor, county assessor, and county auditor. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the following:

(1) The action of the county property tax assessment board of appeals with respect to the appealed items.

(2) A statement that a taxing unit receiving the notice from the county auditor under subsection (c) may:

(A) attend the hearing; and

(B) offer testimony.

A taxing unit that receives a notice from the county auditor under subsection (c) is not a party to the appeal. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the property tax assessment board of appeals in filing the amicus curiae brief shall be paid from the ~~property reassessment~~ **county general** fund. ~~under IC 6-1.1-4-27.5.~~ The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property

whose assessment is under appeal is subject to assessment by that taxing unit.

(c) If, after receiving notice of a hearing under subsection (b), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(d) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(e) The Indiana board shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The Indiana board shall issue instructions for completion of the form. The form must require the Indiana board to indicate agreement or disagreement with each item that is:

- (1) if the county or township official held a preliminary conference under section 1(f) of this chapter, indicated on the petition submitted under that section by the taxpayer and the official; and
- (2) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the Indiana board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(f) After the hearing the Indiana board shall give the petitioner, the township assessor, the county assessor, the county auditor, and the affected taxing units required to be notified under subsection (c):

- (1) notice, by mail, of its final determination;
- (2) a copy of the form completed under subsection (e); and
- (3) notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

(g) ~~Except as provided in subsection (h);~~ The Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

~~(h) With respect to an appeal of a real property assessment that~~

1 takes effect on the assessment date on which a general reassessment of
 2 real property takes effect under IC 6-1.1-4-4; the Indiana board shall
 3 conduct a hearing not later than one (1) year after a petition in proper
 4 form is filed with the Indiana board; excluding any time due to a delay
 5 reasonably caused by the petitioner.

6 (i) Except as provided in subsection (j); **(h) Subject to subsection**
 7 **(i)**, the Indiana board shall make a determination not later than the later
 8 of:

9 (1) ninety (90) days after the hearing; or

10 (2) the date set in an extension order issued by the Indiana board.

11 ~~(j) With respect to an appeal of a real property assessment that takes~~
 12 ~~effect on the assessment date on which a general reassessment of real~~
 13 ~~property takes effect under IC 6-1.1-4-4; the Indiana board shall make~~
 14 ~~a determination not later than the later of:~~

15 ~~(1) one hundred eighty (180) days after the hearing; or~~

16 ~~(2) the date set in an extension order issued by the Indiana board.~~

17 ~~(k) Except as provided in subsection (p);~~ **(i)** The Indiana board may
 18 not extend the final determination date under subsection ~~(i) or (j)~~ **(h)**
 19 by more than one hundred eighty (180) days. If the Indiana board fails
 20 to make a final determination within the time allowed by this
 21 subsection, the entity that initiated the petition may:

22 (1) take no action and wait for the Indiana board to make a final
 23 determination; or

24 (2) petition for judicial review under section 5(g) of this chapter.

25 ~~(j)~~ **(j)** A final determination must include separately stated findings
 26 of fact for all aspects of the determination. Findings of ultimate fact
 27 must be accompanied by a concise statement of the underlying basic
 28 facts of record to support the findings. Findings must be based
 29 exclusively upon the evidence on the record in the proceeding and on
 30 matters officially noticed in the proceeding. Findings must be based
 31 upon a preponderance of the evidence.

32 ~~(m)~~ **(k)** The Indiana board may limit the scope of the appeal to the
 33 issues raised in the petition and the evaluation of the evidence
 34 presented to the county property tax assessment board of appeals in
 35 support of those issues only if all persons participating in the hearing
 36 required under subsection (a) agree to the limitation. A person
 37 participating in the hearing required under subsection (a) is entitled to
 38 introduce evidence that is otherwise proper and admissible without
 39 regard to whether that evidence has previously been introduced at a
 40 hearing before the county property tax assessment board of appeals.

41 ~~(n)~~ **(l)** The Indiana board:

42 (1) may require the parties to the appeal to file not more than five
 43 (5) business days before the date of the hearing required under
 44 subsection (a) documentary evidence or summaries of statements
 45 of testimonial evidence; and

46 (2) may require the parties to the appeal to file not more than

1 fifteen (15) business days before the date of the hearing required
2 under subsection (a) lists of witnesses and exhibits to be
3 introduced at the hearing.

4 ~~(o)~~ **(m)** A party to a proceeding before the Indiana board shall
5 provide to another party to the proceeding the information described in
6 subsection ~~(n)~~ **(l)** if the other party requests the information in writing
7 at least ten (10) days before the deadline for filing of the information
8 under subsection ~~(n)~~: **(l)**.

9 ~~(p)~~ **(n)** The county assessor may:

10 (1) appear as an additional party if the notice of appearance is
11 filed before the review proceeding; or

12 (2) with the approval of the township assessor, represent the
13 township assessor;

14 in a review proceeding under this section.

15 ~~(q)~~ **(o)** The Indiana board may base its final determination on a
16 stipulation between the respondent and the petitioner. If the final
17 determination is based on a stipulated assessed valuation of tangible
18 property, the Indiana board may order the placement of a notation on
19 the permanent assessment record of the tangible property that the
20 assessed valuation was determined by stipulation. The Indiana board
21 may:

22 (1) order that a final determination under this subsection has no
23 precedential value; or

24 (2) specify a limited precedential value of a final determination
25 under this subsection.

26 SECTION 53. IC 6-1.1-15-5, AS AMENDED BY P.L.199-2005,
27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JANUARY 1, 2008]: Sec. 5. (a) Not later than fifteen (15) days after
29 the Indiana board gives notice of its final determination under section
30 4 of this chapter to the party or the maximum allowable time for the
31 issuance of a final determination by the Indiana board under section 4
32 of this chapter expires, a party to the proceeding may request a
33 rehearing before the Indiana board. The Indiana board may conduct a
34 rehearing and affirm or modify its final determination, giving the same
35 notices after the rehearing as are required by section 4 of this chapter.
36 The Indiana board has fifteen (15) days after receiving a petition for a
37 rehearing to determine whether to grant a rehearing. Failure to grant a
38 rehearing not later than fifteen (15) days after receiving the petition
39 shall be treated as a final determination to deny the petition. A petition
40 for a rehearing does not toll the time in which to file a petition for
41 judicial review unless the petition for rehearing is granted. If the
42 Indiana board determines to rehear a final determination, the Indiana
43 board:

44 (1) may conduct the additional hearings that the Indiana board
45 determines necessary or review the written record without
46 additional hearings; and

(2) shall issue a final determination not later than ninety (90) days after notifying the parties that the Indiana board will rehear the final determination.

If the Indiana board fails to make a final determination within the time allowed under subdivision (2), the entity that initiated the petition for rehearing may take no action and wait for the Indiana board to make a final determination or petition for judicial review under subsection (g).

(b) A person may petition for judicial review of the final determination of the Indiana board regarding the assessment of that person's tangible property. The action shall be taken to the tax court under IC 4-21.5-5. Petitions for judicial review may be consolidated at the request of the appellants if it can be done in the interest of justice. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the property tax assessment board of appeals in filing the amicus curiae brief shall be paid from the ~~property reassessment~~ **county general fund**. ~~under IC 6-1.1-4-27.5.~~ In addition, the executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit. The department of local government finance may intervene in an action taken under this subsection if the interpretation of a rule of the department is at issue in the action. A township assessor, county assessor, member of a county property tax assessment board of appeals, or county property tax assessment board of appeals that made the original assessment determination under appeal under this section is a party to the review under this section to defend the determination.

(c) Except as provided in subsection (g), to initiate a proceeding for judicial review under this section, a person must take the action required by subsection (b) not later than:

(1) forty-five (45) days after the Indiana board gives the person notice of its final determination, unless a rehearing is conducted under subsection (a); or

(2) thirty (30) days after the Indiana board gives the person notice under subsection (a) of its final determination, if a rehearing is conducted under subsection (a) or the maximum time elapses for the Indiana board to make a determination under this section.

(d) The failure of the Indiana board to conduct a hearing within the period prescribed in section 4(h) ~~or 4(i)~~ of this chapter does not constitute notice to the person of an Indiana board final determination.

(e) The county executive may petition for judicial review to the tax court in the manner prescribed in this section upon request by the county assessor, the elected township assessor, or an affected taxing unit. If an appeal is taken at the request of an affected taxing unit, the

1 taxing unit shall pay the costs of the appeal.

2 (f) If the county executive determines upon a request under this
3 subsection to not appeal to the tax court:

4 (1) the entity described in subsection (b) that made the original
5 determination under appeal under this section may take an appeal
6 to the tax court in the manner prescribed in this section using
7 funds from that entity's budget; and

8 (2) the petitioner may not be represented by the attorney general
9 in an action described in subdivision (1).

10 (g) If the maximum time elapses for the Indiana board to give notice
11 of its final determination under subsection (a) or section 4 of this
12 chapter, a person may initiate a proceeding for judicial review by
13 taking the action required by subsection (b) at any time after the
14 maximum time elapses. If:

15 (1) a judicial proceeding is initiated under this subsection; and

16 (2) the Indiana board has not issued a determination;

17 the tax court shall determine the matter de novo.

18 SECTION 54. IC 6-1.1-15-12 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) Subject to
20 the limitations contained in subsections (c) and (d), a county auditor
21 shall correct errors which are discovered in the tax duplicate for any
22 one (1) or more of the following reasons:

23 (1) The description of the real property was in error.

24 (2) The assessment was against the wrong person.

25 (3) Taxes on the same property were charged more than one (1)
26 time in the same year.

27 (4) There was a mathematical error in computing the taxes or
28 penalties on the taxes.

29 (5) There was an error in carrying delinquent taxes forward from
30 one (1) tax duplicate to another.

31 (6) The taxes, as a matter of law, were illegal.

32 (7) There was a mathematical error in computing an assessment.

33 (8) Through an error of omission by any state or county officer the
34 taxpayer was not given credit for an exemption or deduction
35 permitted by law.

36 (b) The county auditor shall correct an error described under
37 subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county
38 auditor finds that the error exists.

39 (c) If the tax is based on an assessment made or determined by the
40 ~~state board of tax commissioners (before the board was abolished)~~ or
41 ~~the~~ department of local government finance, the county auditor shall
42 not correct an error described under subsection (a)(6), (a)(7), or (a)(8)
43 until after the correction is either approved by the department of local
44 government finance or ordered by the tax court.

45 (d) If the tax is not based on an assessment made or determined by
46 ~~the state board of tax commissioners (before the board was abolished)~~

or the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by ~~at least two (2) of the following officials:~~

~~(1) The township assessor;~~

~~(2) the county auditor~~

~~(3) and the county assessor.~~

If ~~the two (2) of these~~ officials do not approve such a correction, the county auditor shall refer the matter to the county property tax assessment board of appeals for determination. The county property tax assessment board of appeals shall provide a copy of the determination to the taxpayer and to the county auditor.

(e) A taxpayer may appeal a determination of the county property tax assessment board of appeals to the Indiana board for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor.

(f) If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

(g) A taxpayer that files a personal property tax return under IC 6-1.1-3 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's personal property tax return. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's personal property tax return, the taxpayer must instead file an amended personal property tax return under IC 6-1.1-3-7.5.

~~(h) A taxpayer that files a statement under IC 6-1.1-8-19 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead initiate an objection under IC 6-1.1-8-28.~~

~~(i) A taxpayer that files a statement under IC 6-1.1-8-23 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead file an amended statement not more than six (6) months after the due date of the statement.~~

SECTION 55. IC 6-1.1-16-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 1.5. (a) Except as provided in section 2 of this chapter, a county assessor, county property tax**

assessment board of appeals, or member of a county property tax assessment board of appeals may not change the assessed value claimed by a taxpayer on a real property return unless the person or board takes the action and gives the notice required by IC 6-1.1-4-3.6 within the following periods:

(1) A county assessor, county property tax assessment board of appeals, or member of a county property tax assessment board of appeals must make a change in the assessed value, including the final determination by the board of an assessment changed by the county assessor, and give the notice of the change on or before the later of:

(A) October 30 of the year for which the assessment is made; or

(B) five (5) months after the date the real property return is filed if the return is filed after May 15 of the year for which the assessment is made.

(2) The department of local government finance must make a preliminary change in the assessed value and give the notice of the change on or before the later of:

(A) October 1 of the year immediately following the year for which the assessment is made; or

(B) sixteen (16) months after the date the real property return is filed if the return is filed after May 15 of the year for which the assessment is made.

(b) Except as provided in section 2 of this chapter, if a county assessor, county property tax assessment board of appeals, or member of a county property tax assessment board of appeals fails to change an assessment and give notice of the change within the time prescribed by this section, the assessed value claimed by the taxpayer on the real property return is final.

(c) This section does not limit the authority of a county auditor to correct errors in a tax duplicate under IC 6-1.1-15-12.

(d) This section does not apply if the taxpayer:

(1) fails to file a real property return that substantially complies with this article and the rules of the department of local government finance; or

(2) files a fraudulent real property return with the intent to evade the payment of property taxes.

(e) A taxpayer may appeal a preliminary determination of the department of local government finance under subsection (a)(2) to the Indiana board. An appeal under this subdivision shall be conducted in the same manner as an appeal under IC 6-1.1-15-4 through IC 6-1.1-15-8. A preliminary determination that is not appealed under this subsection is a final unappealable order of the department of local government finance.

SECTION 56. IC 6-1.1-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) If a county

property tax assessment board of appeals fails to change an assessed value claimed by a taxpayer on a personal property return and give notice of the change within the time prescribed in section 1(a)(2) of this chapter, the township assessor or the county assessor may file a petition for review of the assessment by the Indiana board.

(b) If a county property tax assessment board of appeals fails to change an assessed value claimed by a taxpayer on a real property return and give notice of the change within the time prescribed in section 1.5(a)(1) of this chapter, the county assessor may file a petition for review of the assessment by the Indiana board.

(c) The:

(1) township assessor or the county assessor **under subsection (a); or**

(2) county assessor under subsection (b);

must file the petition for review in the manner provided in IC 6-1.1-15-3(c). The ~~time~~ period for filing the petition begins to run on the last day that the county board is permitted to act on the assessment under section 1(a)(2) **or 1.5(a)(1)** of this chapter as though the board acted and gave notice of its action on that day.

~~(b)~~ **(d)** Notwithstanding section 1(a)(3) **or 1.5(a)(2)** of this chapter, the department of local government finance shall reassess tangible property when an appealed assessment of the property is remanded to the board under IC 6-1.1-15-8.

SECTION 57. IC 6-1.1-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) If a county property tax assessment board of appeals is unable to take action on an assessment within the ~~time~~ period prescribed in section 1(a)(2) **or 1.5(a)(1)** of this chapter because the board is no longer in session, the board shall file with the department of local government finance a written petition requesting permission to conduct a special session for the purpose of reviewing the assessment within the required ~~time~~ period. If the department of local government finance approves the petition, ~~it the department~~ shall specify:

(1) the number of session days granted to the county property tax assessment board of appeals; and

(2) the termination date of the special session.

(b) The county auditor shall pay the expenses and per diem allowances resulting from the special session. The county auditor shall draw warrants for these items on county funds not otherwise appropriated, without further appropriations being required for the disbursements.

SECTION 58. IC 6-1.1-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the

department of local government finance. The statement shall contain:

(1) information concerning the assessed valuation in the political subdivision for the next calendar year;

(2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;

(3) the current assessed valuation as shown on the abstract of charges;

(4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, ~~excluding years in which a general reassessment occurs~~, determined according to procedures established by the department of local government finance; and

(5) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

(1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and

(2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision."

Page 17, strike lines 14 through 19.

Page 19, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 64. IC 6-1.1-18.5-9.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9.8. ~~(a)~~ For purposes of determining the property tax levy limit imposed on a city, town, or county under section 3 of this chapter, the city, town, or county's ad valorem property tax levy for a particular calendar year does not include an amount equal to the lesser of:

(1) the amount of ad valorem property taxes that would be first due and payable to the city, town, or county during the ensuing calendar year if the taxing unit imposed the maximum permissible property tax rate per one hundred dollars (\$100) of assessed valuation that the civil taxing unit may impose for the particular calendar year under the authority of IC 36-9-14.5 (in the case of a county) or IC 36-9-15.5 (in the case of a city or town); or

(2) the excess, if any, of:

(A) the property taxes imposed by the city, town, or county under the authority of:

IC 3-11-6-9;

IC 8-16-3;

IC 8-16-3.1;

1 IC 8-22-3-25;
 2 IC 14-27-6-48;
 3 IC 14-33-9-3;
 4 IC 16-22-8-41;
 5 IC 16-22-5-2 through IC 16-22-5-15;
 6 IC 16-23-1-40;
 7 IC 36-8-14;
 8 IC 36-9-4-48;
 9 IC 36-9-14;
 10 IC 36-9-14.5;
 11 IC 36-9-15;
 12 IC 36-9-15.5;
 13 IC 36-9-16;
 14 IC 36-9-16.5;
 15 IC 36-9-17;
 16 IC 36-9-26;
 17 IC 36-9-27-100;
 18 IC 36-10-3-21; or
 19 IC 36-10-4-36;
 20 that are first due and payable during the ensuing calendar year;
 21 over
 22 (B) the property taxes imposed by the city, town, or county
 23 under the authority of the citations listed in clause (A) that
 24 were first due and payable during calendar year 1984.
 25 (b) The maximum property tax rate levied under the statutes listed
 26 in subsection (a) must be adjusted each time a general reassessment of
 27 property takes effect:
 28 (c) The new maximum rate under a statute listed in subsection (a)
 29 is the tax rate determined under STEP SEVEN of the following
 30 formula:
 31 STEP ONE: Determine the maximum rate for the political
 32 subdivision levying a property tax under the statute for the year
 33 preceding the year in which the general reassessment takes effect.
 34 STEP TWO: Determine the actual percentage increase (rounded
 35 to the nearest one-hundredth percent (0.01%)) in the assessed
 36 value of the taxable property from the year preceding the year the
 37 general reassessment takes effect to the year that the general
 38 reassessment is effective:
 39 STEP THREE: Determine the three (3) calendar years that
 40 immediately precede the ensuing calendar year and in which a
 41 statewide general reassessment of real property does not first
 42 become effective:
 43 STEP FOUR: Compute separately, for each of the calendar years
 44 determined in STEP THREE, the actual percentage increase
 45 (rounded to the nearest one-hundredth percent (0.01%)) in the
 46 assessed value of the taxable property from the preceding year:

1 STEP FIVE: Divide the sum of the three (3) quotients computed
2 in STEP FOUR by three (3):

3 STEP SIX: Determine the greater of the following:

4 (A) Zero (0):

5 (B) The result of the STEP TWO percentage minus the STEP
6 FIVE percentage:

7 STEP SEVEN: Determine the quotient of the STEP ONE tax rate
8 divided by the sum of one (1) plus the STEP SIX percentage
9 increase:

10 (d) The department of local government finance shall compute the
11 maximum rate allowed under subsection (c) and provide the rate to
12 each political subdivision with authority to levy a tax under a statute
13 listed in subsection (a):

14 SECTION 65. IC 6-1.1-18.5-13, AS AMENDED BY P.L.73-2005,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JANUARY 1, 2008]: Sec. 13. With respect to an appeal filed under
17 section 12 of this chapter, the local government tax control board may
18 recommend that a civil taxing unit receive any one (1) or more of the
19 following types of relief:

20 (1) Permission to the civil taxing unit to increase its levy in excess
21 of the limitations established under section 3 of this chapter, if in
22 the judgment of the local government tax control board the
23 increase is reasonably necessary due to increased costs of the civil
24 taxing unit resulting from annexation, consolidation, or other
25 extensions of governmental services by the civil taxing unit to
26 additional geographic areas or persons.

27 (2) Permission to the civil taxing unit to increase its levy in excess
28 of the limitations established under section 3 of this chapter, if the
29 local government tax control board finds that the civil taxing unit
30 needs the increase to meet the civil taxing unit's share of the costs
31 of operating a court established by statute enacted after December
32 31, 1973. Before recommending such an increase, the local
33 government tax control board shall consider all other revenues
34 available to the civil taxing unit that could be applied for that
35 purpose. The maximum aggregate levy increases that the local
36 government tax control board may recommend for a particular
37 court equals the civil taxing unit's share of the costs of operating
38 a court for the first full calendar year in which it is in existence.

39 (3) Permission to the civil taxing unit to increase its levy in excess
40 of the limitations established under section 3 of this chapter, if the
41 local government tax control board finds that the quotient
42 determined under STEP SIX of the following formula is equal to
43 or greater than one and three-hundredths (1.03):

44 STEP ONE: Determine the three (3) calendar years that most
45 immediately precede the ensuing calendar year, and in which
46 a statewide general reassessment of real property does not first

1 ~~become effective.~~

2 STEP TWO: Compute separately, for each of the calendar

3 years determined in STEP ONE, the quotient (rounded to the

4 nearest ten-thousandth (0.0001)) of the sum of the civil taxing

5 unit's total assessed value of all taxable property and the total

6 assessed value of property tax deductions in the unit under

7 IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar

8 year, divided by the sum of the civil taxing unit's total assessed

9 value of all taxable property and the total assessed value of

10 property tax deductions in the unit under IC 6-1.1-12-41 or

11 IC 6-1.1-12-42 in the calendar year immediately preceding the

12 particular calendar year.

13 STEP THREE: Divide the sum of the three (3) quotients

14 computed in STEP TWO by three (3).

15 STEP FOUR: Compute separately, for each of the calendar

16 years determined in STEP ONE, the quotient (rounded to the

17 nearest ten-thousandth (0.0001)) of the sum of the total

18 assessed value of all taxable property in all counties and the

19 total assessed value of property tax deductions in all counties

20 under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular

21 calendar year, divided by the sum of the total assessed value

22 of all taxable property in all counties and the total assessed

23 value of property tax deductions in all counties under

24 IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year

25 immediately preceding the particular calendar year.

26 STEP FIVE: Divide the sum of the three (3) quotients

27 computed in STEP FOUR by three (3).

28 STEP SIX: Divide the STEP THREE amount by the STEP

29 FIVE amount.

30 The civil taxing unit may increase its levy by a percentage not

31 greater than the percentage by which the STEP THREE amount

32 exceeds the percentage by which the civil taxing unit may

33 increase its levy under section 3 of this chapter based on the

34 assessed value growth quotient determined under section 2 of this

35 chapter.

36 (4) Permission to the civil taxing unit to increase its levy in excess

37 of the limitations established under section 3 of this chapter, if the

38 local government tax control board finds that the civil taxing unit

39 needs the increase to pay the costs of furnishing fire protection for

40 the civil taxing unit through a volunteer fire department. For

41 purposes of determining a township's need for an increased levy,

42 the local government tax control board shall not consider the

43 amount of money borrowed under IC 36-6-6-14 during the

44 immediately preceding calendar year. However, any increase in

45 the amount of the civil taxing unit's levy recommended by the

46 local government tax control board under this subdivision for the

1 ensuing calendar year may not exceed the lesser of:

2 (A) ten thousand dollars (\$10,000); or

3 (B) twenty percent (20%) of:

4 (i) the amount authorized for operating expenses of a
5 volunteer fire department in the budget of the civil taxing
6 unit for the immediately preceding calendar year; plus

7 (ii) the amount of any additional appropriations authorized
8 during that calendar year for the civil taxing unit's use in
9 paying operating expenses of a volunteer fire department
10 under this chapter; minus

11 (iii) the amount of money borrowed under IC 36-6-6-14
12 during that calendar year for the civil taxing unit's use in
13 paying operating expenses of a volunteer fire department.

14 (5) Permission to a civil taxing unit to increase its levy in excess
15 of the limitations established under section 3 of this chapter in
16 order to raise revenues for pension payments and contributions
17 the civil taxing unit is required to make under IC 36-8. The
18 maximum increase in a civil taxing unit's levy that may be
19 recommended under this subdivision for an ensuing calendar year
20 equals the amount, if any, by which the pension payments and
21 contributions the civil taxing unit is required to make under
22 IC 36-8 during the ensuing calendar year exceeds the product of
23 one and one-tenth (1.1) multiplied by the pension payments and
24 contributions made by the civil taxing unit under IC 36-8 during
25 the calendar year that immediately precedes the ensuing calendar
26 year. For purposes of this subdivision, "pension payments and
27 contributions made by a civil taxing unit" does not include that
28 part of the payments or contributions that are funded by
29 distributions made to a civil taxing unit by the state.

30 (6) Permission to increase its levy in excess of the limitations
31 established under section 3 of this chapter if the local government
32 tax control board finds that:

33 (A) the township's township assistance ad valorem property
34 tax rate is less than one and sixty-seven hundredths cents
35 (\$0.0167) per one hundred dollars (\$100) of assessed
36 valuation; and

37 (B) the township needs the increase to meet the costs of
38 providing township assistance under IC 12-20 and IC 12-30-4.

39 The maximum increase that the board may recommend for a
40 township is the levy that would result from an increase in the
41 township's township assistance ad valorem property tax rate of
42 one and sixty-seven hundredths cents (\$0.0167) per one hundred
43 dollars (\$100) of assessed valuation minus the township's ad
44 valorem property tax rate per one hundred dollars (\$100) of
45 assessed valuation before the increase.

46 (7) Permission to a civil taxing unit to increase its levy in excess

of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);

(ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);

(iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

(iv) a city having a population of more than fifteen thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600); or

(v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300);

and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under

section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

(i) was issued by a federal district court; and

(ii) has not been terminated;

(C) that operates a county jail that fails to meet:

(i) American Correctional Association Jail Construction Standards; and

(ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference

between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief."

Page 31, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 71. IC 6-1.1-21-4, AS AMENDED BY P.L.228-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to the sum of:

(1) each county's total eligible property tax replacement amount for that year; plus

(2) the total amount of homestead tax credits that are provided

under IC 6-1.1-20.9 and allowed by each county for that year;
plus

(3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter. This amount is the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Determine that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the subdivision (1) amount that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(b) Except as provided in subsection (e), between March 1 and August 31 of each year, the department shall distribute to each county treasurer from the property tax replacement fund one-half (1/2) of the estimated distribution for that year for the county. Between September 1 and December 15 of that year, the department shall distribute to each county treasurer from the property tax replacement fund the remaining one-half (1/2) of each estimated distribution for that year. The amount of the distribution for each of these periods shall be according to a schedule determined by the property tax replacement fund board under section 10 of this chapter. The estimated distribution for each county may be adjusted from time to time by the department to reflect any changes in the total county tax levy upon which the estimated distribution is based.

(c) On or before December 31 of each year or as soon thereafter as possible, the department shall make a final determination of the amount which should be distributed from the property tax replacement fund to each county for that calendar year. This determination shall be known as the final determination of distribution. The department shall distribute to the county treasurer or receive back from the county treasurer any deficit or excess, as the case may be, between the sum of the distributions made for that calendar year based on the estimated distribution and the final determination of distribution. The final determination of distribution shall be based on the auditor's abstract filed with the auditor of state, adjusted for postabstract adjustments included in the December settlement sheet for the year, and such additional information as the department may require.

(d) All distributions provided for in this section shall be made on

warrants issued by the auditor of state drawn on the treasurer of state. If the amounts allocated by the department from the property tax replacement fund exceed in the aggregate the balance of money in the fund, then the amount of the deficiency shall be transferred from the state general fund to the property tax replacement fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. However, any amount transferred under this section from the general fund to the property tax replacement fund shall, as soon as funds are available in the property tax replacement fund, be retransferred from the property tax replacement fund to the state general fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the replacement of that amount.

(e) Except as provided in subsection (g) and subject to subsection (h), the department shall not distribute under subsection (b) and section 10 of this chapter a percentage, determined by the department, of the money that would otherwise be distributed to the county under subsection (b) and section 10 of this chapter if:

(1) by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;

(2) by the deadline under IC 36-2-9-20, the county auditor has not transmitted data as required under that section;

(3) the county assessor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);

(4) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure forms under IC 6-1.1-5.5-3(b);

(5) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);

(6) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;

(7) ~~the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor~~ has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b);

(8) the county has not established a parcel index numbering system under 50 IAC 12-15-1 in a timely manner; or

(9) a township or county official has not provided other information to the department of local government finance in a

1 timely manner as required by the department.

2 (f) Except as provided in subsection (i), money not distributed for
3 the reasons stated in subsection (e) shall be distributed to the county
4 when the department of local government finance determines that the
5 failure to:

6 (1) provide information; or

7 (2) pay a bill for services;

8 has been corrected.

9 (g) The restrictions on distributions under subsection (e) do not
10 apply if the department of local government finance determines that the
11 failure to:

12 (1) provide information; or

13 (2) pay a bill for services;

14 in a timely manner is justified by unusual circumstances.

15 (h) The department shall give the county auditor at least thirty (30)
16 days notice in writing before withholding a distribution under
17 subsection (e).

18 (i) Money not distributed for the reason stated in subsection (e)(6)
19 may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money
20 deposited under this subsection is not subject to distribution under
21 subsection (f).

22 SECTION 72. IC 6-1.1-21.2-11 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) Not later
24 than September 1 of a each year, in which a general reassessment does
25 not become effective, the governing body shall estimate the tax
26 increment replacement amount for each allocation area under the
27 jurisdiction of the governing body for the next calendar year. In a year
28 in which a general reassessment becomes effective, the department of
29 local government finance may extend the deadline under this
30 subsection by giving written notice to the governing body before the
31 deadline.

32 (b) The tax increment replacement amount is the amount
33 determined in STEP THREE of the following formula:

34 STEP ONE: The governing body shall estimate the amount of tax
35 increment revenues it would receive in the next calendar year if
36 the property tax replacement credits payable with respect to the
37 general fund levies imposed by all school corporations with
38 jurisdiction in the allocation area were determined under
39 IC 6-1.1-21 as in effect on January 1, 2001.

40 STEP TWO: The governing body shall estimate the amount of tax
41 increment revenues it will receive in the next calendar year after
42 implementation of the increase in the property tax credits payable
43 under IC 6-1.1-21, as amended by the general assembly in 2002,
44 with respect to general fund levies imposed by all school
45 corporations with jurisdiction in the allocation area.

46 STEP THREE: Subtract the STEP TWO amount from the STEP

1 ONE amount.

2 SECTION 73. IC 6-1.1-21.2-14 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14. (a) The
4 department of local government finance shall approve an appeal filed
5 under section 13 of this chapter if the department determines that:

6 (1) the governing body's estimate of the tax replacement amount
7 under section 11 of this chapter is reasonable;

8 (2) a tax levy in excess of the amount determined under section
9 12(d) of this chapter would:

10 (A) create a significant financial hardship on taxpayers
11 residing in the district in which the governing body exercises
12 jurisdiction;

13 (B) significantly reduce the benefits from the increase in the
14 property tax credits payable under IC 6-1.1-21, as amended by
15 the general assembly in 2002, with respect to general fund
16 levies imposed by all school corporations with jurisdiction in
17 the district; or

18 (C) have a disproportionate impact on small businesses or low
19 income families or individuals; and

20 (3) the governing body has made reasonable efforts to limit its use
21 of the special fund for the allocation area to appropriations for
22 payments of:

23 (A) the principal and interest on loans or bonds;

24 (B) lease rentals on leases;

25 (C) amounts due on other contractual obligations; and

26 (D) additional credits described in IC 8-22-3.5-10(a),
27 IC 36-7-14-39.5(c), IC 36-7-14.5-12.5(d)(5),
28 IC 36-7-15.1-26.5(e), IC 36-7-15.1-35(d), or
29 IC 36-7-30-25(b)(2)(E).

30 (b) ~~In a year in which a general reassessment does not become~~
31 ~~effective;~~ The department of local government finance shall make a
32 final determination on an appeal filed under this section by December
33 1 of the year. ~~In a year in which a general reassessment becomes~~
34 ~~effective; the department may extend the deadline under this subsection~~
35 ~~by giving written notice to the appellant before the deadline.~~

36 (c) If the department approves an appeal filed under this section, it
37 shall order a distribution from the property tax replacement fund in the
38 amount determined under section 13(b) of this chapter in the same
39 manner as distributions are made under IC 6-1.1-21-4.

40 (d) If the department denies an appeal filed under section 13 of this
41 chapter, or does not grant the maximum permissible distribution under
42 section 13(b) of this chapter, the legislative body of the unit that
43 established the district may increase the levy imposed under this
44 chapter to an amount that, when combined with any distribution
45 received under this chapter, does not exceed the tax increment
46 replacement amount.

SECTION 74. IC 6-1.1-21.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. The lost revenue for a fund is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the property tax levy approved by the department of local government finance for the base year, as adjusted by the following:

(A) If the taxpayer made payments in lieu of taxes in the base year that were not included in the property tax levy for the base year, add the amount of the payments in lieu of taxes made by the taxpayer in the base year to the amount of the tax levy.

(B) If part of the taxpayer's property that was used in the base year to compute the taxpayer's payments to the taxing unit is not in the taxing unit or would not otherwise be the basis for taxpayer payments to the taxing unit in the current year, reduce the amount determined in this STEP to reflect the removal of the property.

(C) If the taxpayer's property used to compute the property taxes or payments in lieu of property taxes paid in the base year is depreciable property that would have had a lower assessed value in the current year, reduce the amount determined in this STEP to reflect the lower amount of property taxes or payments in lieu of property taxes that the taxpayer would have paid in the current year for the same property.

STEP TWO: Determine the current levy using the tax rate used for the base year as follows:

(A) Determine the assessed value of all taxable property on which property taxes will be collected:

(i) in the current year; and

(ii) for the smaller of the geographic area in which the taxing unit imposed property taxes for collection in the base year or the geographic area in which the taxing unit imposes property taxes in the current year.

~~If a general reassessment has become effective in a year after the base year, adjust the assessed value determined in this clause to neutralize the effects of reassessment.~~

(B) Multiply the assessed value determined for the current year under clause (A) by the tax rate for the fund in the base year.

(C) Divide the result under clause (B) by one hundred (100).

(D) Subtract the amount of any:

(i) property tax payment; or

(ii) payment in lieu of property taxes;

made by the taxpayer to the fund for the current year that is not

1 included in the amount determined under clause (C).

2 STEP THREE: Determine the greater of the following:

3 (A) Zero (0).

4 (B) The result of the STEP ONE amount minus the STEP
5 TWO amount.

6 SECTION 75. IC 6-1.1-28-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) The county
8 property tax assessment board shall remain in session until the board's
9 duties are complete.

10 (b) ~~All expenses and per diem compensation resulting from a~~
11 ~~session of a county property tax assessment board that is called by the~~
12 ~~department of local government finance under subsection (c) shall be~~
13 ~~paid by the county auditor, who shall, without an appropriation being~~
14 ~~required, draw warrants on county funds not otherwise appropriated.~~

15 (c) The department of local government finance may also call a
16 session of the county property tax assessment board after completion
17 of a general reassessment of real property. The department of local
18 government finance shall fix the time for and duration of the session.

19 SECTION 76. IC 6-1.1-31-6 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) With
21 respect to the assessment of real property, the rules of the department
22 of local government finance shall provide for:

23 (1) the classification of land on the basis of:

- 24 (i) acreage;
- 25 (ii) lots;
- 26 (iii) size;
- 27 (iv) location;
- 28 (v) use;
- 29 (vi) productivity or earning capacity;
- 30 (vii) applicable zoning provisions;
- 31 (viii) accessibility to highways, sewers, and other public
- 32 services or facilities; and
- 33 (ix) any other factor that the department determines by rule is
- 34 just and proper; and

35 (2) the classification of improvements on the basis of:

- 36 (i) size;
- 37 (ii) location;
- 38 (iii) use;
- 39 (iv) type and character of construction;
- 40 (v) age;
- 41 (vi) condition;
- 42 (vii) cost of reproduction; and
- 43 (viii) any other factor that the department determines by rule
- 44 is just and proper.

45 (b) (a) With respect to the assessment of real property, the rules of
46 the department of local government finance shall include instructions

for determining

- (1) the proper classification of real property;
- (2) the size of real property;
- (3) the effects that location and use have on the value of real property;
- (4) the depreciation, including physical deterioration and obsolescence, of real property;
- (5) the cost of reproducing improvements;
- (6) the productivity or earning capacity of:
 - (A) agricultural land; and
 - (B) real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more;
- (7) sales data for generally comparable properties; and
- (8) the true tax value of real property based on the factors listed in this subsection and any other factor that the department determines by rule is just and proper: **the fair market value of the real property.**

(c) **(b)** With respect to the assessment of real property, true tax value ~~does not mean~~ **means** fair market value. ~~Subject to this article, true tax value is the value determined under the rules of the department of local government finance.~~

SECTION 77. IC 6-1.1-31-7, AS AMENDED BY P.L.214-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) With respect to the assessment of personal property, the rules of the department of local government finance shall provide for the classification of personal property on the basis of:

- (1) date of purchase;
- (2) location;
- (3) use;
- (4) depreciation, obsolescence, and condition; and
- (5) any other factor that the department determines by rule is just and proper.

(b) With respect to the assessment of personal property, the rules of the department of local government finance shall include instructions for determining:

- (1) the proper classification of personal property;
- (2) the effect that location has on the value of personal property;
- (3) the cost of reproducing personal property;
- (4) the depreciation, including physical deterioration and obsolescence, of personal property;
- (5) the productivity or earning capacity of mobile homes regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more;
- (6) the true tax value of mobile homes assessed under IC 6-1.1-7

(other than mobile homes subject to the preferred valuation method under IC 6-1.1-4-39(b)) as the least of the values determined using the following:

(A) The National Automobile Dealers Association Guide.

(B) The purchase price of a mobile home if:

(i) the sale is of a commercial enterprise nature; and

(ii) the buyer and seller are not related by blood or marriage.

(C) Sales data for generally comparable mobile homes;

(7) the true tax value at the time of acquisition of computer application software, for the purpose of deducting the value of computer application software from the acquisition cost of tangible personal property whenever the value of the tangible personal property that is recorded on the taxpayer's books and records reflects the value of the computer application software; and

(8) the true tax value of personal property based on the factors listed in this subsection and any other factor that the department determines by rule is just and proper.

(c) In providing for the classification of personal property and the instructions for determining the items listed in subsection (b), the department of local government finance shall not include the value of land as a cost of producing tangible personal property subject to assessment.

(d) With respect to the assessment of personal property, true tax value does not mean fair market value. Subject to this article, true tax value is the value determined under rules of the department of local government finance.

SECTION 78. IC 6-1.1-31-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. The ~~state board of tax commissioners~~ **department of local government finance** shall adopt rules under IC 4-22-2 to govern the reduction and increase of assessed valuations by the county assessor under IC 6-1.1-13 to attain a just and equal basis of assessment among the taxpayers in the county. The rules must specify the procedures and standards to be used by the county assessor.

SECTION 79. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county shall maintain a state certified computer system that has the capacity to:

(1) process and maintain assessment records;

(2) process and maintain standardized property tax forms;

(3) process and maintain standardized property assessment notices; **and**

(4) maintain complete and accurate assessment records for the county. ~~and~~

(5) process and compute complete and accurate assessments in accordance with Indiana law.

The county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor. in the county except in a county with an elected township assessor in every township. In a county with an elected township assessor in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county.

(b) All information on a computer system referred to in subsection (a) shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the department of local government finance; and
- (4) members of the county property tax assessment board of appeals.

(c) The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
- (2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

(e) The department shall adopt rules before July 1, 2006, for the establishment of:

- (1) a uniform and common property tax management system among all counties that
 - ~~(A) includes a combined mass appraisal and county auditor system integrated with a county treasurer system; and~~
 - ~~(B) replaces the computer system referred to in subsection (a);~~
 - and
 - (2) a schedule for implementation of the system referred to in subdivision (1) structured to result in the implementation of the system in all counties with respect to an assessment date:
 - (A) determined by the department; and
 - (B) specified in the rule.

(f) The department shall appoint an advisory committee to assist the department in the formulation of the rules referred to in subsection (e). The department shall determine the number of members of the

- 1 committee. The committee:
- 2 (1) must include at least:
- 3 (A) one (1) township assessor;
- 4 (B) one (1) county assessor;
- 5 (C) one (1) county auditor; and
- 6 (D) one (1) county treasurer; and
- 7 (2) shall meet at times and locations determined by the
- 8 department.
- 9 (g) Each member of the committee appointed under subsection (f)
- 10 who is not a state employee is not entitled to the minimum salary per
- 11 diem provided by IC 4-10-11-2.1(b). The member is entitled to
- 12 reimbursement for traveling expenses as provided under IC 4-13-1-4
- 13 and other expenses actually incurred in connection with the member's
- 14 duties as provided in the state policies and procedures established by
- 15 the Indiana department of administration and approved by the budget
- 16 agency.
- 17 (h) Each member of the committee appointed under subsection (f)
- 18 who is a state employee is entitled to reimbursement for traveling
- 19 expenses as provided under IC 4-13-1-4 and other expenses actually
- 20 incurred in connection with the member's duties as provided in the state
- 21 policies and procedures established by the Indiana department of
- 22 administration and approved by the budget agency.
- 23 (i) The department shall report to the budget committee in writing
- 24 the department's estimate of the cost of implementation of the system
- 25 referred to in subsection (e).
- 26 SECTION 80. IC 6-1.1-33.5-2 IS AMENDED TO READ AS
- 27 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. The division of
- 28 data analysis shall do the following:
- 29 (1) Compile an electronic data base that includes the following:
- 30 (A) The local government data base.
- 31 (B) Information on sales of real and personal property,
- 32 including nonconfidential information from sales disclosure
- 33 forms filed under IC 6-1.1-5.5.
- 34 (C) Personal property assessed values and data entries on
- 35 personal property return forms.
- 36 (D) Real property assessed values and data entries on real
- 37 property ~~assessment records~~ **return forms**.
- 38 (E) Information on property tax exemptions, deductions, and
- 39 credits.
- 40 (F) Any other data relevant to the accurate determination of
- 41 real property and personal property tax assessments.
- 42 (2) Make available to each county and township software that
- 43 permits the transfer of the data described in subdivision (1) to the
- 44 division in a uniform format through a secure connection over the
- 45 Internet.
- 46 (3) Analyze the data compiled under this section for the purpose

1 of performing the functions under section 3 of this chapter.

2 (4) Conduct continuing studies of personal and real property tax
3 deductions, abatement, and exemptions used throughout Indiana.
4 The division of data analysis shall, before May 1 of each
5 even-numbered year, report on the studies at a meeting of the
6 budget committee and submit a report on the studies to the
7 legislative services agency for distribution to the members of the
8 legislative council. The report must be in an electronic format
9 under IC 5-14-6.

10 SECTION 81. IC 6-1.1-33.5-6 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. (a) With
12 respect to any township or county for any year, the department of local
13 government finance may initiate a review to determine whether to order
14 a special reassessment under this chapter. The review may apply to real
15 property or personal property, or both.

16 (b) If the department of local government finance determines under
17 subsection (a) of this chapter to initiate a review with respect to the real
18 property within a township or county, or a portion of the real property
19 within a township or county, the division of data analysis of the
20 department shall determine for the real property under consideration
21 and for the township or county the variance between:

22 (1) the total assessed valuation of the real property within the
23 township or county; and

24 (2) the total assessed valuation that would result if the real
25 property within the township or county were valued in the manner
26 provided by law.

27 (c) If the department of local government finance determines under
28 subsection (a) of this chapter to initiate a review with respect to
29 personal property within a township or county, or a part of the personal
30 property within a township or county, the division of data analysis of
31 the department shall determine for the personal property under
32 consideration and for the township or county the variance between:

33 (1) the total assessed valuation of the personal property within the
34 township or county; and

35 (2) the total assessed valuation that would result if the personal
36 property within the township or county were valued in the manner
37 provided by law.

38 (d) The determination of the department of local government
39 finance under section 2 or 3 of this chapter must be based on a
40 statistically valid assessment ratio study.

41 (e) If a determination of the department of local government finance
42 to order a special reassessment under this chapter is based on a
43 coefficient of dispersion study, the department shall publish the
44 coefficient of dispersion study for the township or county in accordance
45 with IC 5-3-1-2(j).

46 (f) If:

(1) the variance determined under subsection (b) or (c) exceeds twenty percent (20%); and

(2) the department of local government finance determines after holding hearings on the matter that a special reassessment should be conducted;

the department shall contract for a special reassessment to be conducted to correct the valuation of the property.

(g) If the variance determined under subsection (b) or (c) is twenty percent (20%) or less, the department of local government finance shall determine whether to correct the valuation of the property under

~~(1) IC 6-1.1-4-9 and IC 6-1.1-4-10; or~~

~~(2) IC 6-1.1-14.~~

(h) The department of local government finance shall give notice to a taxpayer, by individual notice or by publication at the discretion of the department, of a hearing concerning the department's intent to cause the assessment of the taxpayer's property to be adjusted under this section. The time fixed for the hearing must be at least ten (10) days after the day the notice is mailed or published. The department may conduct a single hearing under this section with respect to multiple properties. The notice must state:

(1) the time of the hearing;

(2) the location of the hearing; and

(3) that the purpose of the hearing is to hear taxpayers' comments and objections with respect to the department's intent to adjust the assessment of property under this chapter.

(i) If the department of local government finance determines after the hearing that the assessment of property should be adjusted under this chapter, the department shall:

(1) cause the assessment of the property to be adjusted;

(2) mail a certified notice of its final determination to the county auditor of the county in which the property is located; and

(3) notify the taxpayer as required under IC 6-1.1-14.

(j) A reassessment or adjustment may be made under this section only if the notice of the final determination is given to the taxpayer within the same period prescribed in IC 6-1.1-9-3 or IC 6-1.1-9-4.

(k) If the department of local government finance contracts for a special reassessment of property under this chapter, the department shall forward the bill for services of the reassessment contractor to the county auditor, and the county shall pay the bill from the county reassessment fund.

SECTION 82. IC 6-1.1-34-1, AS AMENDED BY P.L.246-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. Each year, ~~in which a general assessment of real property becomes effective~~, the department of local government finance shall compute a new assessment ratio for each school corporation and a new state average assessment ratio. ~~In all other years,~~

the department shall compute a new assessment ratio for a school corporation and a new state average assessment ratio if the department finds that there has been sufficient reassessment or adjustment of one (1) or more classes of property in the school district. When the department of local government finance computes a new assessment ratio for a school corporation, the department shall publish the new ratio.

SECTION 83. IC 6-1.1-34-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) Each year in which the department of local government finance computes a new assessment ratio for a school corporation, the department shall also compute a new adjustment factor for the school corporation. If the school corporation's assessment ratio for a year is more than ninety-nine percent (99%) but less than one hundred one percent (101%) of the state average assessment ratio for that year, the school corporation's adjustment factor is the number one (1). In all other cases, the school corporation's adjustment factor equals:

- (1) the state average assessment ratio for a year; divided by
- (2) the school corporation's assessment ratio for that year.

The department of local government finance shall notify the school corporation of its new adjustment factor before March 2 of the year in which the department calculates the new adjustment factor.

(b) This subsection applies in a calendar year in which a general reassessment takes effect. If the department of local government finance has not computed:

- (1) a new assessment ratio for a school corporation; or
- (2) a new state average assessment ratio;

the school corporation's adjustment factor is the number one (1) until the department of local government finance notifies the school corporation of the school corporation's new adjustment factor.

SECTION 84. IC 6-1.1-35-1.1, AS AMENDED BY P.L.88-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1.1. (a) Each county assessor ~~and each elected township assessor~~ who has not attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5 must employ at least one (1) certified level two assessor-appraiser.

(b) Each county assessor ~~and each township assessor~~ must:

- (1) attain the certification of a level one assessor-appraiser not later than one (1) year after taking office; and
- (2) attain the certification of a level two assessor-appraiser not later than two (2) years after taking office.

(c) A county assessor ~~or elected township assessor~~ who does not comply with subsection (b) is subject to forfeiture of the part of the assessor's annual compensation that relates to real property assessment duties. The county fiscal body may reduce the appropriations for the annual compensation of a ~~township assessor or~~ county assessor under

1 this subsection in an amount that bears the same proportion to the
 2 assessor's annual compensation that the time during the year required
 3 for the performance of the assessor's real property assessment duties
 4 bears to the time during the year required for the performance of the
 5 assessor's overall duties. The assessor's annual compensation is reduced
 6 by the amount of the appropriation reduction.

7 ~~(d) A trustee assessor who does not comply with subsection (b)~~
 8 ~~relinquishes all duties relating to real property assessment to the county~~
 9 ~~assessor until the trustee assessor complies with subsection (b):~~

10 ~~(e) Not later than six (6) months after taking office, a trustee~~
 11 ~~assessor must notify the county assessor in writing concerning whether~~
 12 ~~the trustee assessor intends to comply with subsection (b): A trustee~~
 13 ~~assessor who notifies the county assessor that the trustee assessor does~~
 14 ~~not intend to comply with subsection (b) relinquishes all duties relating~~
 15 ~~to real property assessment to the county assessor until the trustee~~
 16 ~~assessor complies with subsection (b):".~~

17 Page 34, between lines 3 and 4, begin a new paragraph and insert:

18 "SECTION 87. IC 6-1.1-35.2-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. A county that
 20 is required to make a payment to an assessing official, a county
 21 assessor, or member of, and hearing officers for, the county property
 22 tax assessment board of appeals under this chapter must make the
 23 payment regardless of an appropriation. The payment may be made
 24 from the county's ~~cumulative reassessment~~ **general** fund.".

25 Page 34, between lines 39 and 40, begin a new paragraph and insert:

26 "SECTION 89. IC 6-1.1-39-5, AS AMENDED BY P.L.4-2005,
 27 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JANUARY 1, 2008]: Sec. 5. (a) A declaratory ordinance adopted under
 29 section 2 of this chapter and confirmed under section 3 of this chapter
 30 must include a provision with respect to the allocation and distribution
 31 of property taxes for the purposes and in the manner provided in this
 32 section. The allocation provision must apply to the entire economic
 33 development district. The allocation provisions must require that any
 34 property taxes subsequently levied by or for the benefit of any public
 35 body entitled to a distribution of property taxes on taxable property in
 36 the economic development district be allocated and distributed as
 37 follows:

38 (1) Except as otherwise provided in this section, the proceeds of
 39 the taxes attributable to the lesser of:

40 (A) the assessed value of the property for the assessment date
 41 with respect to which the allocation and distribution is made;
 42 or

43 (B) the base assessed value;

44 shall be allocated to and, when collected, paid into the funds of
 45 the respective taxing units. However, if the effective date of the
 46 allocation provision of a declaratory ordinance is after March 1,

1 1985, and before January 1, 1986, and if an improvement to
 2 property was partially completed on March 1, 1985, the unit may
 3 provide in the declaratory ordinance that the taxes attributable to
 4 the assessed value of the property as finally determined for March
 5 1, 1984, shall be allocated to and, when collected, paid into the
 6 funds of the respective taxing units.

7 (2) Except as otherwise provided in this section, part or all of the
 8 property tax proceeds in excess of those described in subdivision
 9 (1), as specified in the declaratory ordinance, shall be allocated to
 10 the unit for the economic development district and, when
 11 collected, paid into a special fund established by the unit for that
 12 economic development district that may be used only to pay the
 13 principal of and interest on obligations owed by the unit under
 14 IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of
 15 industrial development programs in, or serving, that economic
 16 development district. The amount not paid into the special fund
 17 shall be paid to the respective units in the manner prescribed by
 18 subdivision (1).

19 (3) When the money in the fund is sufficient to pay all
 20 outstanding principal of and interest (to the earliest date on which
 21 the obligations can be redeemed) on obligations owed by the unit
 22 under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing
 23 of industrial development programs in, or serving, that economic
 24 development district, money in the special fund in excess of that
 25 amount shall be paid to the respective taxing units in the manner
 26 prescribed by subdivision (1).

27 (b) Property tax proceeds allocable to the economic development
 28 district under subsection (a)(2) must, subject to subsection (a)(3), be
 29 irrevocably pledged by the unit for payment as set forth in subsection
 30 (a)(2).

31 (c) For the purpose of allocating taxes levied by or for any taxing
 32 unit or units, the assessed value of taxable property in a territory in the
 33 economic development district that is annexed by any taxing unit after
 34 the effective date of the allocation provision of the declaratory
 35 ordinance is the lesser of:

36 (1) the assessed value of the property for the assessment date with
 37 respect to which the allocation and distribution is made; or

38 (2) the base assessed value.

39 (d) Notwithstanding any other law, each assessor shall, upon
 40 petition of the fiscal body, reassess the taxable property situated upon
 41 or in, or added to, the economic development district effective on the
 42 next assessment date after the petition.

43 (e) Notwithstanding any other law, the assessed value of all taxable
 44 property in the economic development district, for purposes of tax
 45 limitation, property tax replacement (except as provided in
 46 IC 6-1.1-21-3(c), IC 6-1.1-21-4(a)(3), and IC 6-1.1-21-5(c)), and

1 formulation of the budget, tax rate, and tax levy for each political
 2 subdivision in which the property is located is the lesser of:

- 3 (1) the assessed value of the property as valued without regard to
 4 this section; or
 5 (2) the base assessed value.

6 (f) The state board of accounts and department of local government
 7 finance shall make the rules and prescribe the forms and procedures
 8 that they consider expedient for the implementation of this chapter.
 9 After each general reassessment under IC 6-1.1-4, the department of
 10 local government finance shall adjust the base assessed value one (1)
 11 time to neutralize any effect of the general reassessment on the
 12 property tax proceeds allocated to the district under this section.
 13 However, the adjustment may not include the effect of property tax
 14 abatements under IC 6-1.1-12.1.

15 (g) As used in this section, "property taxes" means:

- 16 (1) taxes imposed under this article on real property; and
 17 (2) any part of the taxes imposed under this article on depreciable
 18 personal property that the unit has by ordinance allocated to the
 19 economic development district. However, the ordinance may not
 20 limit the allocation to taxes on depreciable personal property with
 21 any particular useful life or lives.

22 If a unit had, by ordinance adopted before May 8, 1987, allocated to an
 23 economic development district property taxes imposed under IC 6-1.1
 24 on depreciable personal property that has a useful life in excess of eight
 25 (8) years, the ordinance continues in effect until an ordinance is
 26 adopted by the unit under subdivision (2).

27 (h) As used in this section, "base assessed value" means:

- 28 (1) the net assessed value of all the property as finally determined
 29 for the assessment date immediately preceding the effective date
 30 of the allocation provision of the declaratory resolution; ~~as~~
 31 ~~adjusted under subsection (f);~~ plus
 32 (2) to the extent that it is not included in subdivision (1), the net
 33 assessed value of property that is assessed as residential property
 34 under the rules of the department of local government finance, as
 35 finally determined for any assessment date after the effective date
 36 of the allocation provision.

37 Subdivision (2) applies only to economic development districts
 38 established after June 30, 1997, and to additional areas established
 39 after June 30, 1997.

40 SECTION 90. IC 6-1.1-42-28 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 28. (a) Subject to
 42 this section, the amount of the deduction which the property owner is
 43 entitled to receive under this chapter for a particular year equals the
 44 product of:

- 45 (1) the increase in the assessed value resulting from the
 46 remediation and redevelopment in the zone or the location of

personal property in the zone, or both; multiplied by
(2) the percentage determined under subsection (b).

(b) The percentage to be used in calculating the deduction under subsection (a) is as follows:

(1) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(2) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	17%

(3) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	95%
3rd	80%
4th	65%
5th	50%
6th	40%
7th	30%
8th	20%
9th	10%
10th	5%

(c) The amount of the deduction determined under subsection (a) shall be adjusted in accordance with this subsection in the following circumstances:

~~(1) If a general reassessment of real property occurs within the particular period of the deduction, the amount determined under subsection (a)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the general reassessment.~~

~~(2)~~ (1) If an appeal of an assessment is approved that results in a reduction of the assessed value of the redeveloped or rehabilitated property, the amount of any deduction shall be adjusted to reflect the percentage decrease that resulted from the appeal.

~~(3)~~ (2) The amount of the deduction may not exceed the limitations imposed by the designating body under section 23 of this chapter.

~~(4)~~ (3) The amount of the deduction must be proportionally reduced by the proportionate ownership of the property by a

1 person that:

2 (A) has an ownership interest in an entity that contributed; or

3 (B) has contributed;

4 a contaminant (as defined in IC 13-11-2-42) that is the subject of
5 the voluntary remediation, as determined under the written
6 standards adopted by the department of environmental
7 management.

8 The department of local government finance shall adopt rules under
9 IC 4-22-2 to implement this subsection."

10 Page 93, delete lines 10 through 19.

11 Page 120, line 26, after "JANUARY 1, 2008];" insert "IC
12 6-1.1-1-3.5; IC 6-1.1-4-4; IC 6-1.1-4-4.5; IC 6-1.1-4-4.7; IC 6-1.1-4-5;
13 IC 6-1.1-4-6; IC 6-1.1-4-9; IC 6-1.1-4-10; IC 6-1.1-4-12;
14 IC 6-1.1-4-13.6; IC 6-1.1-4-13.8; IC 6-1.1-4-15; IC 6-1.1-4-16;
15 IC 6-1.1-4-20; IC 6-1.1-4-21; IC 6-1.1-4-27.5; IC 6-1.1-4-28.5;
16 IC 6-1.1-4-29; IC 6-1.1-4-30; IC 6-1.1-4-32; IC 6-1.1-4-33;
17 IC 6-1.1-4-34; IC 6-1.1-4-35; IC 6-1.1-4-36; IC 6-1.1-4-37;
18 IC 6-1.1-4-38; IC 6-1.1-4-39; IC 6-1.1-4-40; IC 6-1.1-4-41;
19 IC 6-1.1-8.5; IC 6-1.1-8.7; IC 6-1.1-15-16; IC 6-1.1-18-12;
20 IC 6-1.1-31-9; IC 6-1.1-37-10.5;".

21 Page 120, lines 30, delete "IC 12-19-7-33." and insert "IC
22 12-19-7-33; IC 36-2-7-13; IC 36-6-8-5."

23 Page 120, between lines 30 and 31, begin a new paragraph and
24 insert: "SECTION 156. [EFFECTIVE UPON PASSAGE] **(a) The**
25 **definitions in IC 6-1.1-1 apply throughout this SECTION.**

26 **(b) IC 6-1.1-1-6.5, IC 6-1.1-4-3.1, IC 6-1.1-4-3.2, IC 6-1.1-4-3.3,**
27 **IC 6-1.1-4-3.4, IC 6-1.1-4-3.5, IC 6-1.1-4-3.6, IC 6-1.1-4-3.7,**
28 **IC 6-1.1-8-24.5, and IC 6-1.1-16-1.5, as added by this act, and**
29 **IC 6-1.1-2-2, IC 6-1.1-4-12.4, IC 6-1.1-4-12.6, IC 6-1.1-4-13,**
30 **IC 6-1.1-4-14, IC 6-1.1-17, IC 6-1.1-4-18.5, IC 6-1.1-4-19.5,**
31 **IC 6-1.1-4-22, IC 6-1.1-4-24, IC 6-1.1-4-25, IC 6-1.1-4-26,**
32 **IC 6-1.1-4-31, IC 6-1.1-4-31.5, IC 6-1.1-4-31.6, IC 6-1.1-4-31.7,**
33 **IC 6-1.1-5-8, IC 6-1.1-5-10, IC 6-1.1-5-11, IC 6-1.1-5-14,**
34 **IC 6-1.1-5-15, IC 6-1.1-5-16, IC 6-1.1-5.5-3, IC 6-1.1-5.5-4.5,**
35 **IC 6-1.1-5.5-4.7, IC 6-1.1-5.5-12, IC 6-1.1-8-24, IC 6-1.1-9-1,**
36 **IC 6-1.1-11-3, IC 6-1.1-12-19, IC 6-1.1-12-21, IC 6-1.1-12-23,**
37 **IC 6-1.1-12.1-4, IC 6-1.1-12.4-2, IC 6-1.1-14-2, IC 6-1.1-14-3,**
38 **IC 6-1.1-15-1, IC 6-1.1-15-4, IC 6-1.1-15-5, IC 6-1.1-15-12,**
39 **IC 6-1.1-16-2, IC 6-1.1-17-1, IC 6-1.1-18.5-9.8, IC 6-1.1-18.5-13,**
40 **IC 6-1.1-21-4, IC 6-1.1-21.2-11, IC 6-1.1-21.2-14, IC 6-1.1-21.7-10,**
41 **IC 6-1.1-28-8, IC 6-1.1-31-6, IC 6-1.1-31-7, IC 6-1.1-31-12,**
42 **IC 6-1.1-31.5-3.5, IC 6-1.1-33.5-2, IC 6-1.1-33.5-6, IC 6-1.1-34-1,**
43 **IC 6-1.1-34-7, IC 6-1.1-35-1.1, IC 6-1.1-35.2-5, IC 6-1.1-39-5, and**
44 **IC 6-1.1-42-28, all as amended by this act, apply only to ad valorem**
45 **property taxes first due and payable for assessment dates after**
46 **February 29, 2008.**

47 **(c)The department of local government finance may adopt**

1 temporary rules in the manner provided for the adoption of
 2 emergency rules under IC 4-22-2-37.1 to implement this act. A rule
 3 adopted under this SECTION expires on the earliest of the
 4 following:

5 (1) The date a rule is adopted by the department of local
 6 government finance under IC 4-22-2 that repeals, amends, or
 7 supersedes the temporary rule.

8 (2) The date another temporary rule is adopted under this
 9 SECTION to replace an earlier rule adopted under this
 10 SECTION.

11 (3) The date specified in the temporary rule.

12 (4) December 31, 2008.

13 (d) The department of local government finance shall:

14 (1) adopt rules as required by IC 6-1.1-31-6, as amended by
 15 this act, before January 1, 2008, for the use of fair market
 16 value in the assessment of real property beginning with the
 17 assessment date in 2008; and

18 (2) provide training beginning in 2007 to county assessors and
 19 members of county property tax assessment boards of appeals
 20 that includes instruction in the determination of real property
 21 assessments using the rules referred to in subdivision (1).

22 (b) This SECTION expires January 1, 2008.

23 SECTION 157. [EFFECTIVE JULY 1, 2007] (a) The legislative
 24 services agency shall prepare legislation for introduction in the
 25 2007 regular session of the general assembly to make appropriate
 26 corrections and changes in statutes affected by this act.

27 (b) This SECTION expires July 1, 2008."

28 Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed February 8, 2007).

Representative Stutzman